

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VLISCO B.V.,	X	
	:	
Plaintiff,	:	Civil Action No: 1:21-cv-03815
	:	
v.	:	
	:	
AKN FABRICS INC. and ANAND KUMAR	:	
NAIR,	:	
	:	
Defendants.	:	
	:	
	X	

**PRELIMINARY INJUNCTION ORDER ON CONSENT**

This action having been commenced by Plaintiff Vlisco B.V. (“Plaintiff” or “Vlisco”) on April 29, 2021 against Defendants AKN Fabrics Inc. and Anand Kumar Nair (collectively, “Defendants” or “AKN”) alleging claims against Defendants, including, *inter alia*, copyright infringement, trademark infringement, unfair competition and breach of contract; and

An Order to Show Cause for Preliminary Injunction having been issued by this Court on May 5, 2021, based upon the pleadings and supporting documents submitted to this Court; and

A copy of all papers submitted to the Court, including, but not limited to, the Summons, Complaint, Rule 7.1 Corporate Disclosure Statement, Order to Show Cause Bringing on Motion for Preliminary Injunction issued by this Court on May 5, 2021, Memorandum of Law in Support of Plaintiff Vlisco B.V.’s Application for a Temporary Restraining Order and Preliminary Injunction, Declaration of Mr. Leendert van Reeuwijk and Declaration of Ms. Simone Wilhelmina Johanna Gruyters, having been personally served upon Defendants on May 4 and May 6, 2021; and

This Court having jurisdiction over the subject matter of this action, and over Plaintiff and Defendants; and

This Court having considered the Complaint and the exhibits thereto, Plaintiff's Order to Show Cause for Preliminary Injunction and accompanying papers; and

Defendants denying any liability, infringement or wrongdoing; and


Defendants, through counsel of record, having consented to the entry of the instant preliminary injunction order against it;


NOW THEREFORE, it is hereby CONSENTED TO, AGREED UPON, and ORDERED that:

1. Defendants and their officers, agents, servants, employees and attorneys, and all persons in active concert and participation with them are hereby restrained and enjoined, as of the entry of this Preliminary Injunction Order and pending termination of this action, except in connection with authentic goods manufactured by Vlisco:
  - a. From designing, manufacturing, importing, distributing, supplying, advertising, marketing, promoting, offering for sale or selling any products bearing designs identified in Exhibit 1 hereto (collectively, the "Agreement Designs"), or any other artwork that is virtually identical or substantially similar in overall appearance to the Agreement Designs;
  - b. From designing, manufacturing, importing, distributing, supplying, advertising, marketing, promoting, offering for sale or selling any products bearing the copyrighted designs identified in Exhibit 2 hereto (collectively, the "Copyrighted Designs"), or any other artwork that is virtually identical or substantially similar

in overall appearance to the Copyrighted Designs;

- c. From designing, manufacturing, importing, distributing, supplying, advertising, marketing, promoting, offering for sale or selling or otherwise disposing of any products bearing any simulation, reproduction, counterfeit, copy or colorable imitation of Vlisco's trademarks as shown in the following U.S. Trademark Registrations (hereinafter collectively referred to as the "Registered Trademarks"), or any marks confusingly similar thereto, in connection with the sale of any unauthorized goods;

Trademark	Reg. No.	Reg. Date	Goods
VLISCO (Word Mark)	1,124,309	08/21/1979	IC 024: textile fabrics of vegetable and/or animal and/or artificial products or combinations thereof for making clothing, curtains, furniture coverings and the like
VVH and Sunset Design (Design) 	2,152,318	04/21/1998	IC 024: cotton fabric

Trademark	Reg. No.	Reg. Date	Goods
SUPER-WAX BLOCK PRINTS GUARANTEED REAL DUTCH PRINTED IN HOLLAND (Design)  	2,183,657	08/25/1998	IC 024: cotton fabric
SUPER-WAX (Word Mark)	5,706,079	03/26/2019	IC 024: fabrics for textile use, sold unwaxed, such goods created using a wax printing process; unwaxed printed and dyed textile piece goods, namely, fabrics for textile use, sold unwaxed, such goods created using a wax printing process

- d. From possessing, receiving, manufacturing, distributing advertising, promoting, returning, offering for sale or otherwise disposing of in any manner, holding for sale or selling any goods, labels, tags, fabrics, textiles, logos, decals, emblems, signs, and other forms of markings, any packaging, wrappers, pouches, containers and receptacles, and any catalogs, price lists, promotional materials and the like bearing a copy or colorable imitation of the Agreement Designs, Copyrighted Designs, or Registered Trademarks;
- e. From using any logo, trade name or trademark, which may be calculated to falsely represent or which has the effect of falsely representing that the services or

products of Defendants are sponsored by, or are in any way associated with the Plaintiff;

- f. From infringing Vlisco's rights in the Registered Trademarks;
- g. From infringing Vlisco's copyrights in the Agreement Designs and Copyrighted Designs;
- h. From falsely representing themselves as being connected with Plaintiff or sponsored by, or associated with, Plaintiff; and
- i. From affixing, applying, annexing, or using in connection with the sale of any goods, a false description or representation, including words or other symbols tending to falsely describe or represent such goods as being those of Plaintiff and from offering such goods in commerce;

And it is further ORDERED:

- 2. That Defendants, their officers, agents, servants, employees and attorneys and all persons in active concert or participation with them are hereby enjoined, from transferring, discarding, destroying, altering, concealing or otherwise tampering with or in any manner secreting any of the following in the possession, custody or control of Defendants:
  - a. All merchandise bearing the Agreement Designs, Copyrighted Designs or Registered Trademarks, or any other marks or artwork that are virtually identical or substantially similar to the Agreement Designs or Copyrighted Designs, or virtually identical or confusingly similar to the Registered Trademarks;
  - b. All labels, tags, logos, emblems, fabrics, textiles, signs, and other forms of markings, all packaging, wrappers, pouches, containers and receptacles, and all advertisements, catalogs, price lists, guarantees, promotional materials and the

like bearing the Agreement Designs, Copyrighted Designs or Registered Trademarks, or any other marks or artwork that are virtually identical or substantially similar to the Agreement Designs or Copyrighted Designs, or virtually identical or confusingly similar to the Registered Trademarks , and all plates, molds, dies, tooling, machinery, assembly equipment and other means of making the same; and,

- c. All business records, invoices, correspondence, books of account, receipts or other documentation relating or referring in any manner to the manufacture, advertising, receiving, acquisition, importation, purchase, sale or offer for sale, or distribution of any merchandise bearing the Agreement Designs, Registered Trademarks or Copyrighted Designs, or any other marks or artwork that are virtually identical or substantially similar to the Agreement Designs or Copyrighted Designs, or virtually identical or confusingly similar to the Registered Trademarks;

And it is further ORDERED:

- 3. This Preliminary Injunction Order is issued without the posting by Plaintiff of any bond.

## **CONSENTS**

The Parties, by and through their undersigned counsel of record, hereby agree to the foregoing PRELIMINARY INJUNCTION ON CONSENT:

AMSTER, ROTHSTEIN & EBENSTEIN LLP

s/ Richard S. Mandaro

Richard S. Mandaro ([rmandaro@arelaw.com](mailto:rmandaro@arelaw.com))

Anthony F. Lo Cicero

90 Park Avenue

New York, NY 10016

Phone: (212) 336-8000

***Counsel for Plaintiff Vlisco B.V.***

GOTTLIEB, RACKMAN & REISMAN, P.C.

s/ Jeffrey Kaden (with consent)

Jeffrey Kaden ([jkaden@grr.com](mailto:jkaden@grr.com))

Marc Misthal ([mmisthal@grr.com](mailto:mmisthal@grr.com))

Shane Wax ([swax@grr.com](mailto:swax@grr.com))

270 Madison Avenue, 8<sup>th</sup> Floor


New York, New York 10016

Phone: (212) 684-3900

***Counsel for Defendants AKN Fabrics, Inc. and  
Anand Kumar Nair***

SO ORDERED:

Dated: New York, New York  
May 28, 2021

  
\_\_\_\_\_  
P. Kevin Castel  
United States District Judge

# Exhibit 1

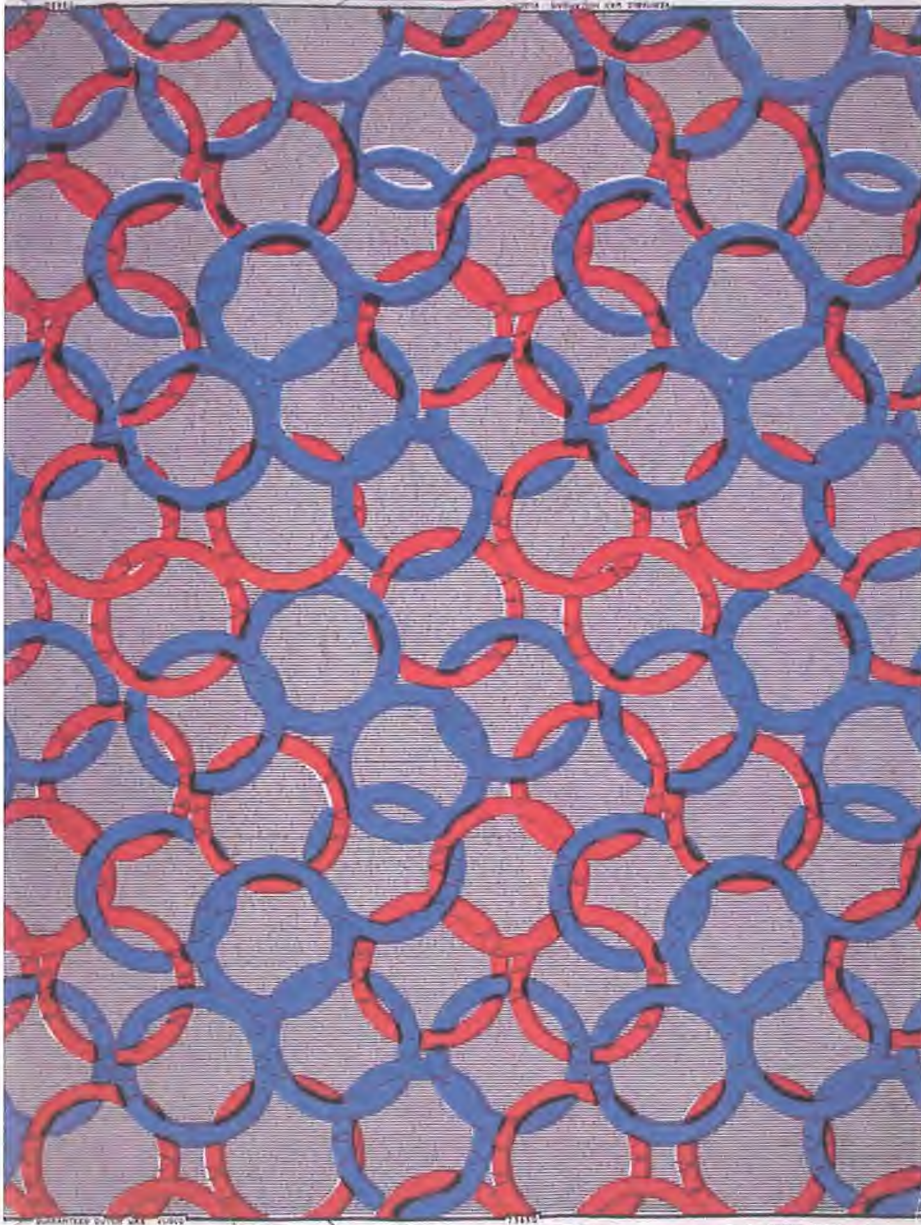


<b>Reference to Image of Work</b>	<b>Title of Vlisco Copyright Work</b>
Attachment No. 1	14/73650
Attachment No. 2	14/0012
Attachment No. 3	A0588
Attachment No. 4	14/1525
Attachment No. 5	14/4122
Attachment No. 6	H599
Attachment No. 7	H516
Attachment No. 8	14/0959
Attachment No. 9	14/0503
Attachment No. 10	A1009
Attachment No. 11	14/0926
Attachment No. 12	14/78350
Attachment No. 13	14/48350
Attachment No. 14	14/4667
Attachment No. 15	14/3346
Attachment No. 16	14/0022
Attachment No. 17	H1455
Attachment No. 18	14/2846
Attachment No. 19	A0309
Attachment No. 20	A0621
Attachment No. 21	14/2922
Attachment No. 22	14/3100
Attachment No. 23	A0493
Attachment No. 24	A0440
Attachment No. 25	A0672
Attachment No. 26	14/0923
Attachment No. 27	14/40850
Attachment No. 28	A0130
Attachment No. 29	14/40850
Attachment No. 30	14/2863
Attachment No. 31	14/4845
Attachment No. 32	14/4937
Attachment No. 33	6/8094
Attachment No. 34	14/1201
Attachment No. 35	14/4592
Attachment No. 36	14/3988
Attachment No. 37	14/3385
Attachment No. 38	6/8008
Attachment No. 39	14/2956

Attachment No. 40	A0527
Attachment No. 41	A0539
Attachment No. 42	A0496
Attachment No. 43	14/4855
Attachment No. 44	A0677
Attachment No. 45	14/5133
Attachment No. 46	A0588
Attachment No. 47	14/4437
Attachment No. 48	14/3503
Attachment No. 49	A0527
Attachment No. 50	14/4971
Attachment No. 51	6/9173
Attachment No. 52	14/2100
Attachment No. 53	14/0034
Attachment No. 54	06/9014
Attachment No. 55	14/4657
Attachment No. 56	1441R
Attachment No. 57	1631R
Attachment No. 58	1675R
Attachment No. 59	06/8476
Attachment No. 60	14/50100
Attachment No. 61	14/5137
Attachment No. 62	14/0501
Attachment No. 63	14/4787
Attachment No. 64	14/0954
Attachment No. 65	14/0760
Attachment No. 66	H1633
Attachment No. 67	14/2316
Attachment No. 68	14/0758
Attachment No. 69	14/0017
Attachment No. 70	H524
Attachment No. 71	14/3393
Attachment No. 72	3353R
Attachment No. 73	H949
Attachment No. 74	14/0625
Attachment No. 75	H524
Attachment No. 76	14/0001
Attachment No. 77	14/3541



VLISCO B.V.  
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TITLE OF WORK: 14/73650



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VLISCO B.V.  
ATTACHMENT NO: 2  
TITLE OF WORK: 14/0012



44\_0012\_03.jpg



VLISCO B.V.  
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A0588.jpg



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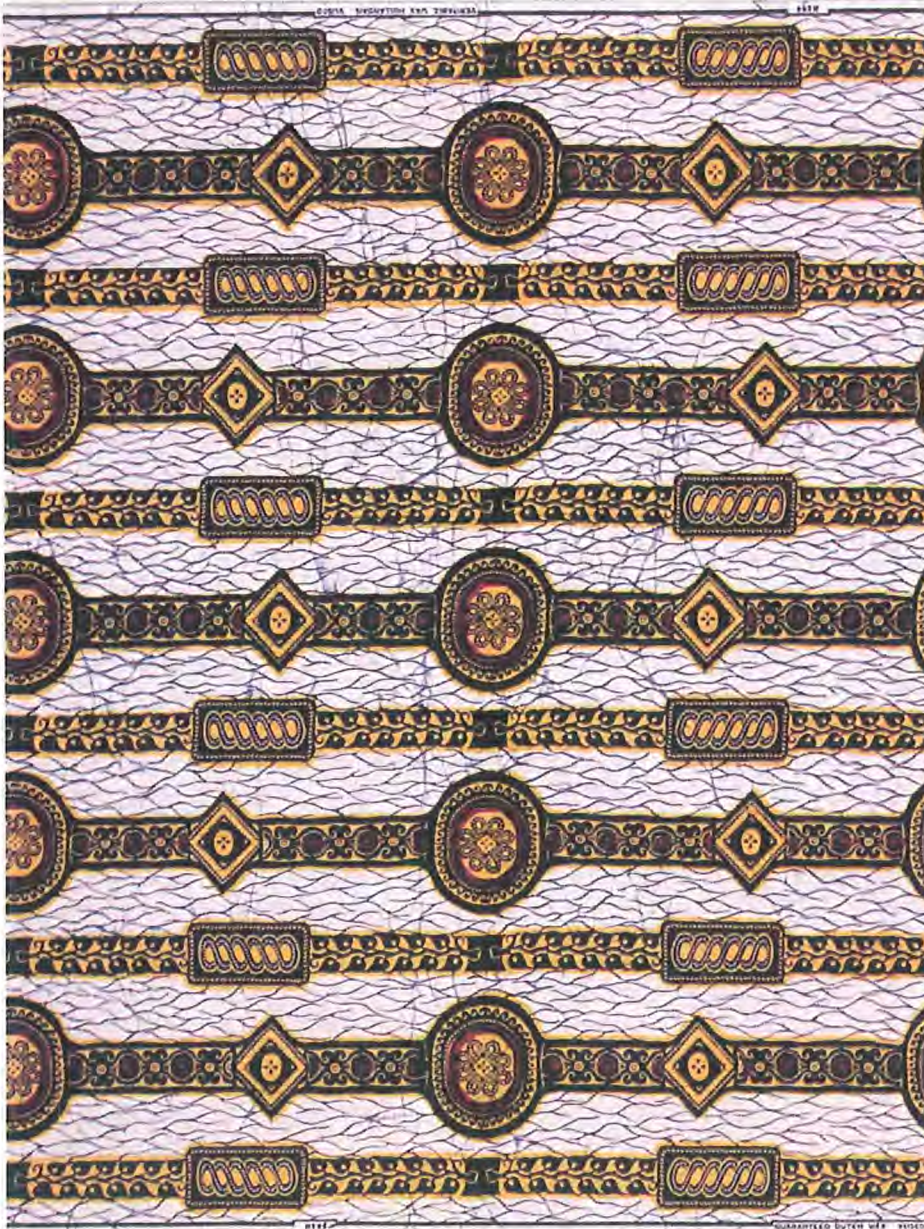
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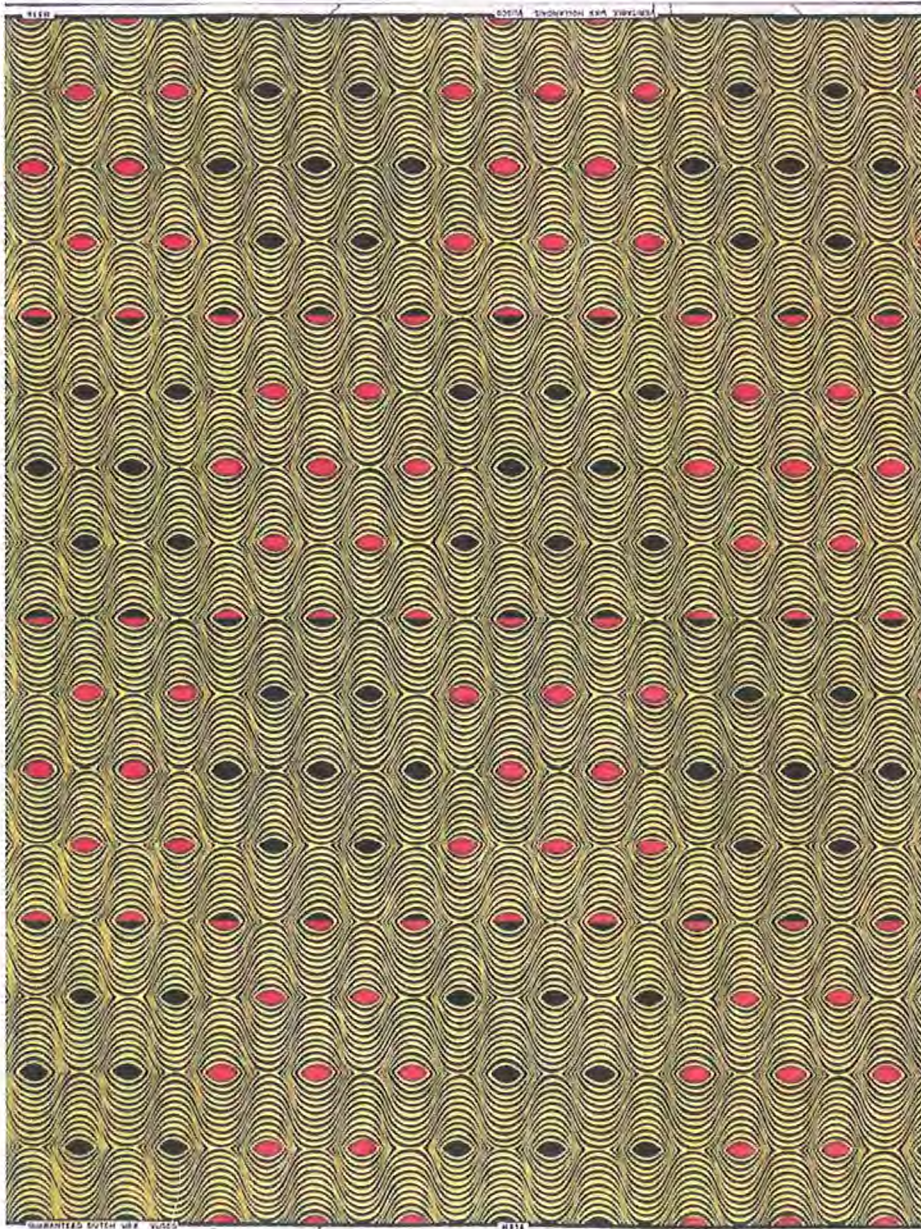
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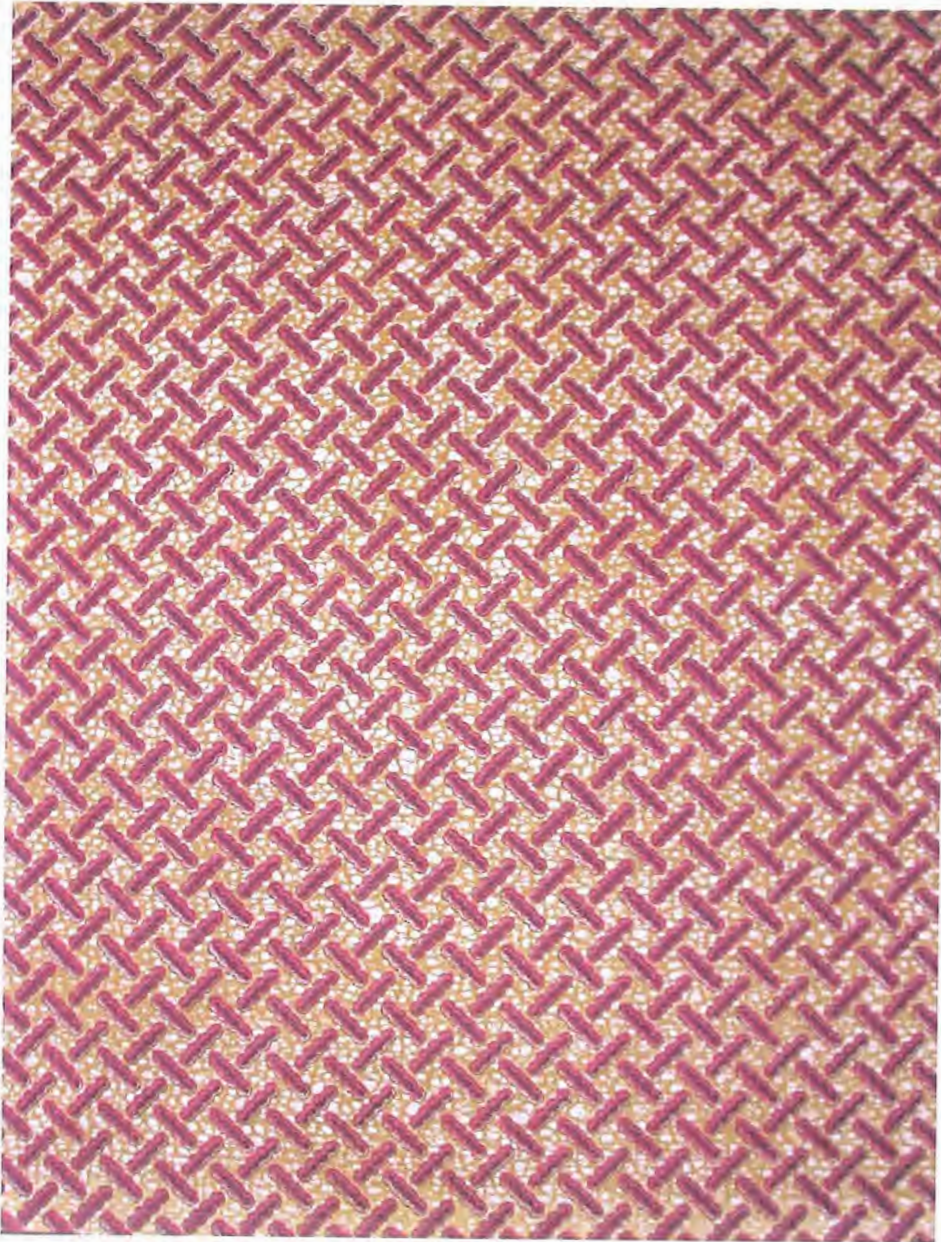
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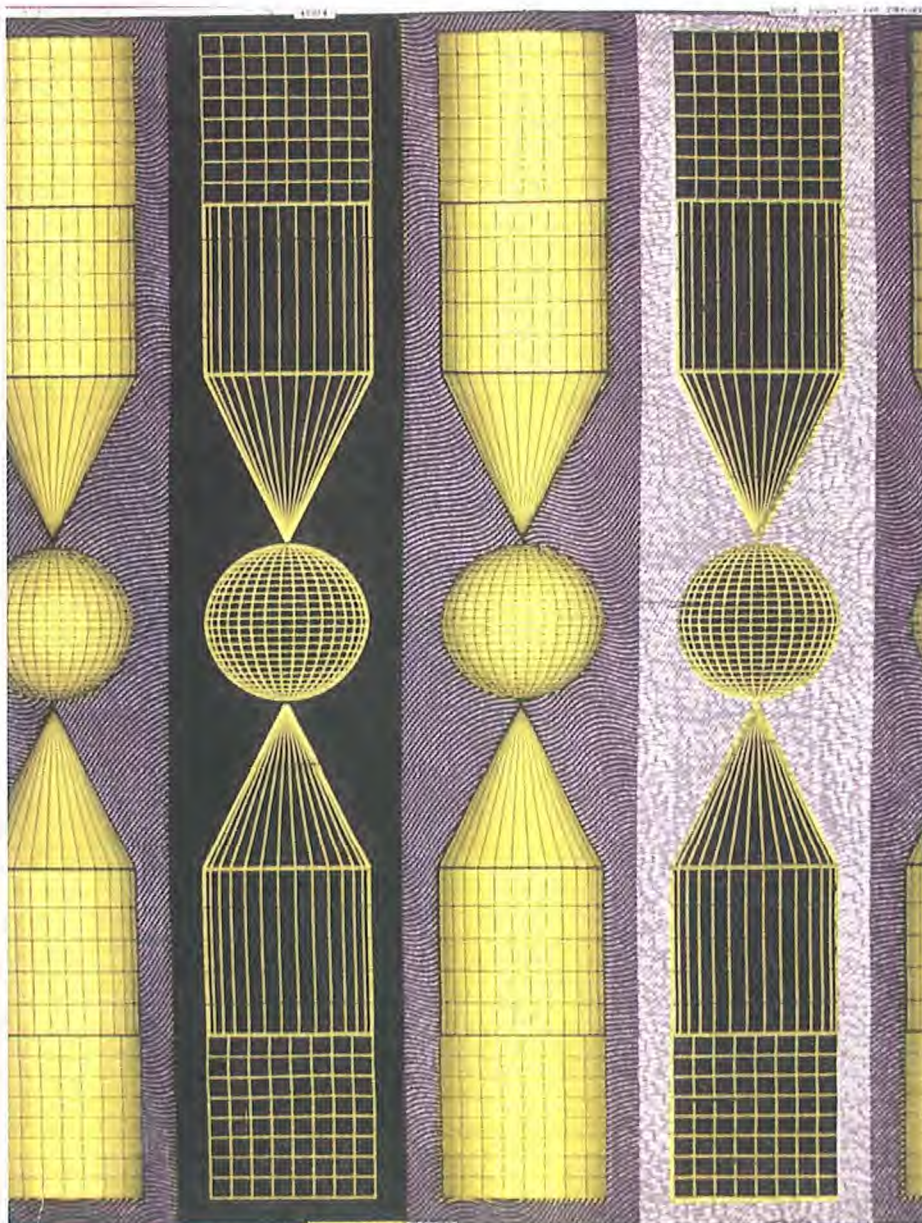
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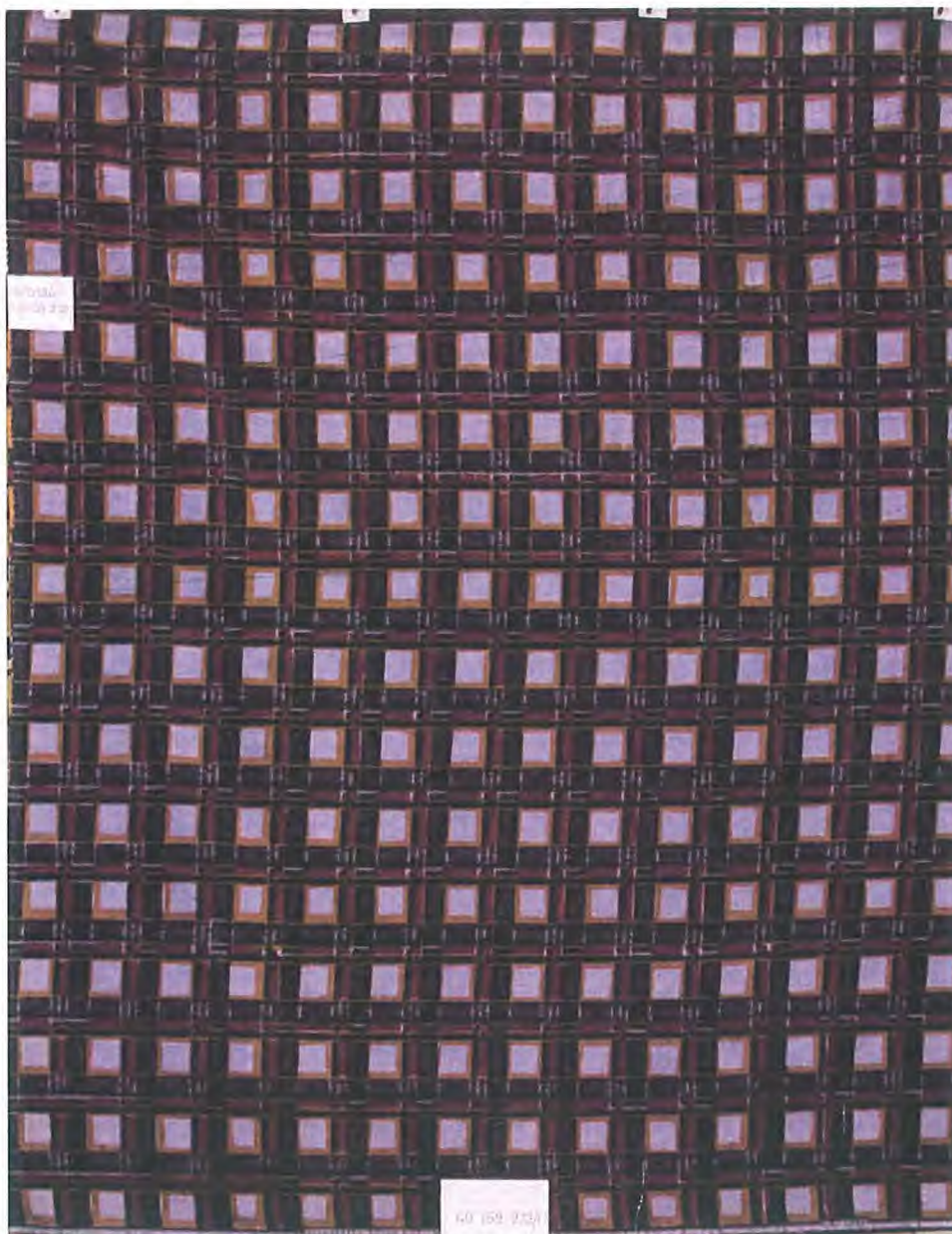


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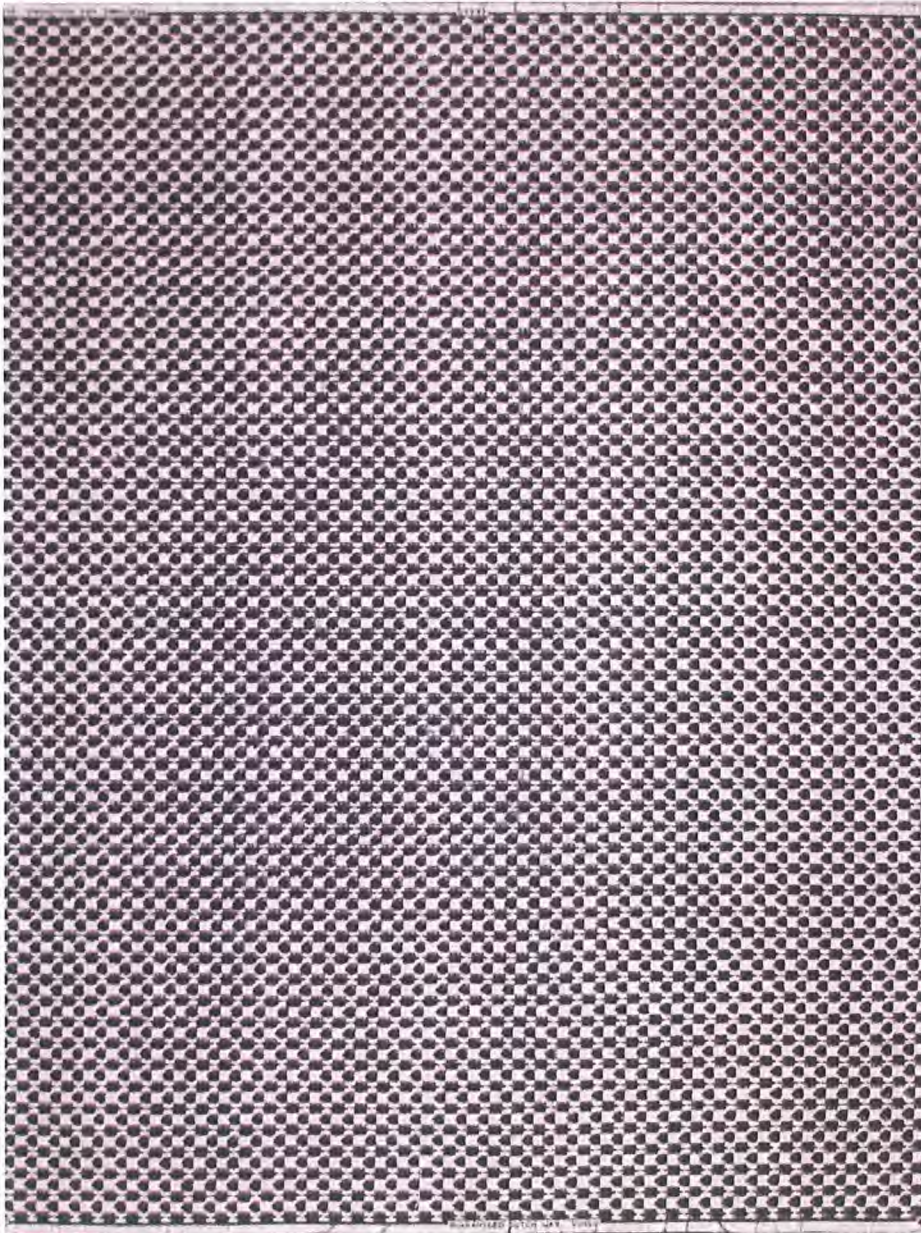
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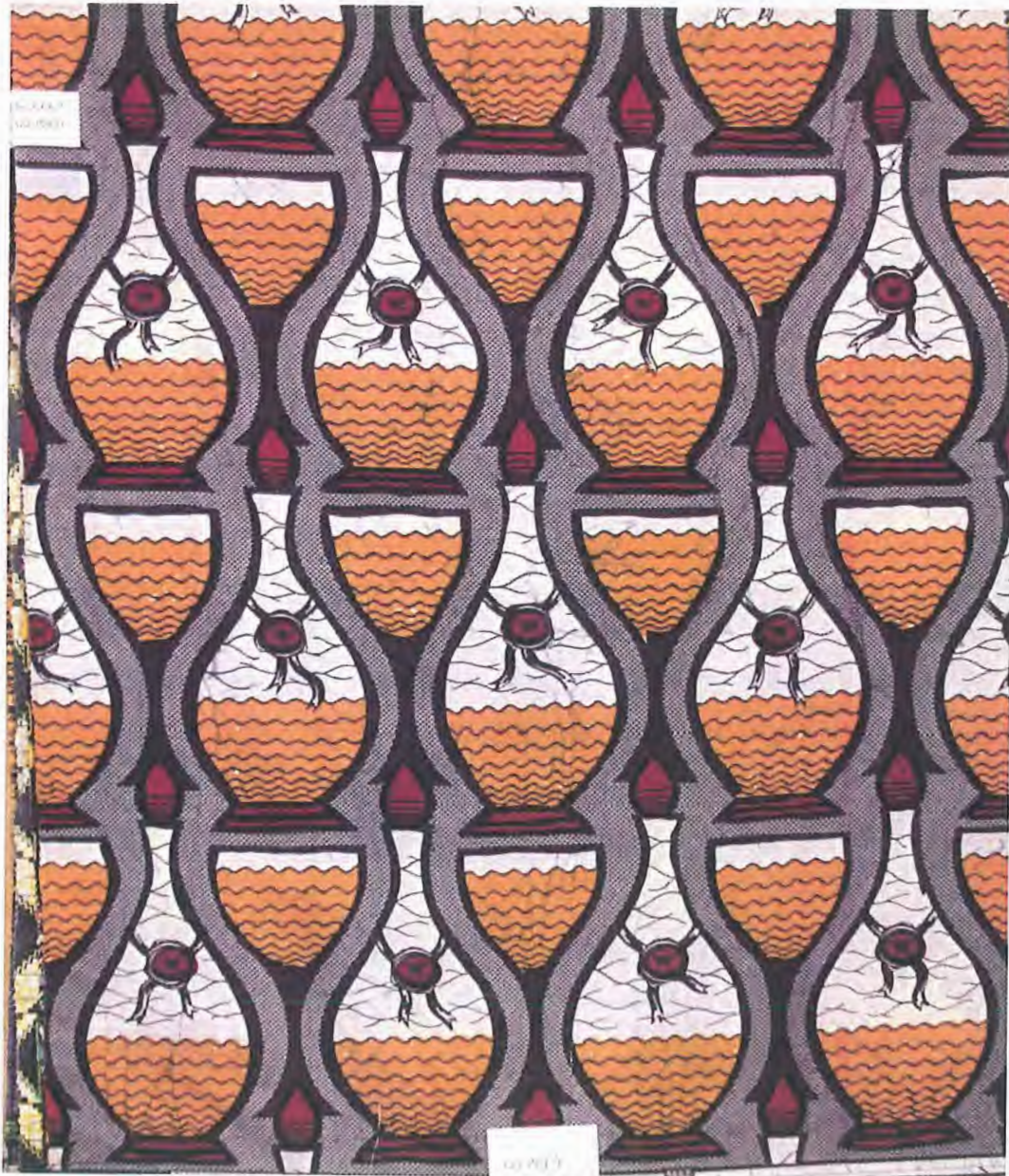
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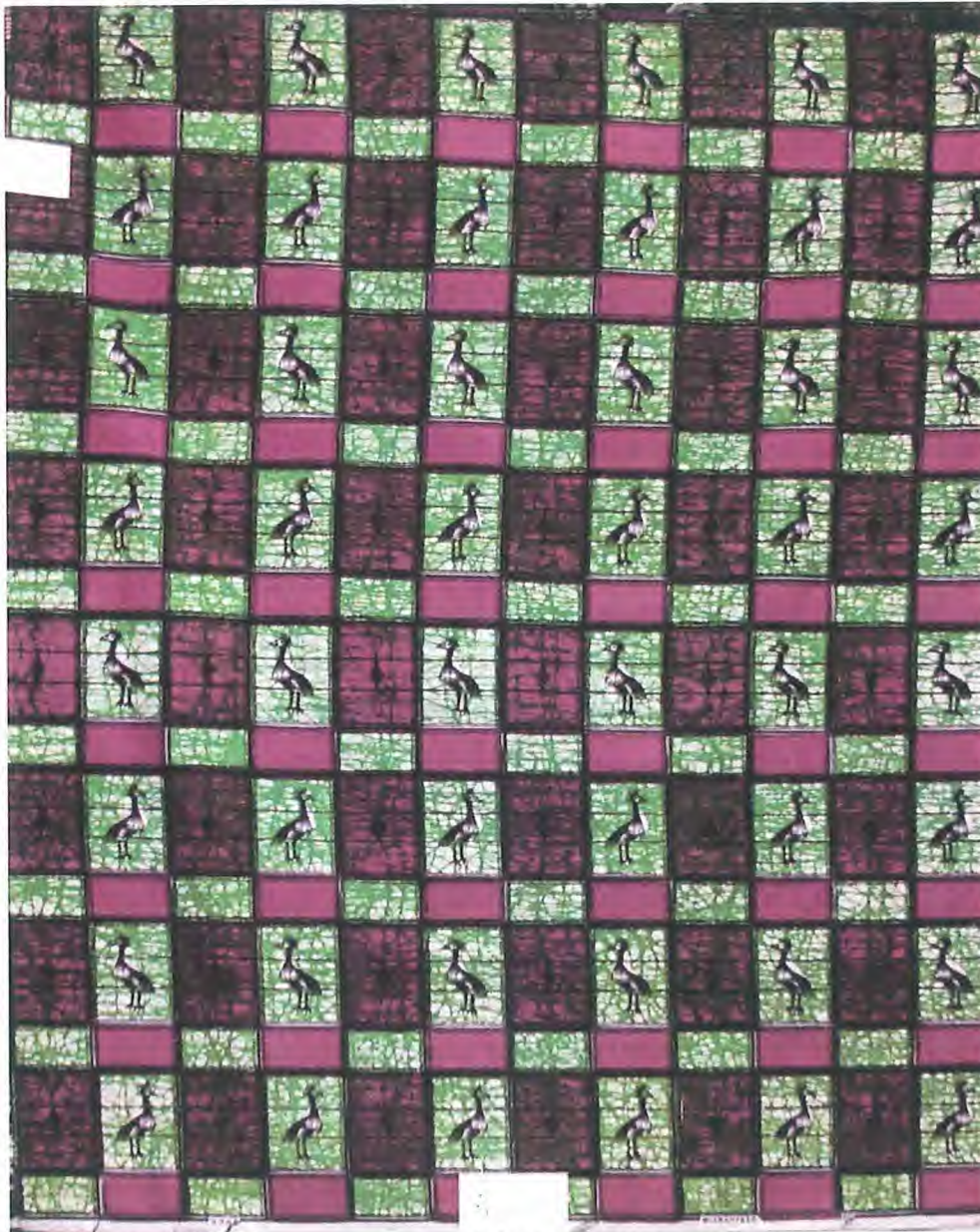
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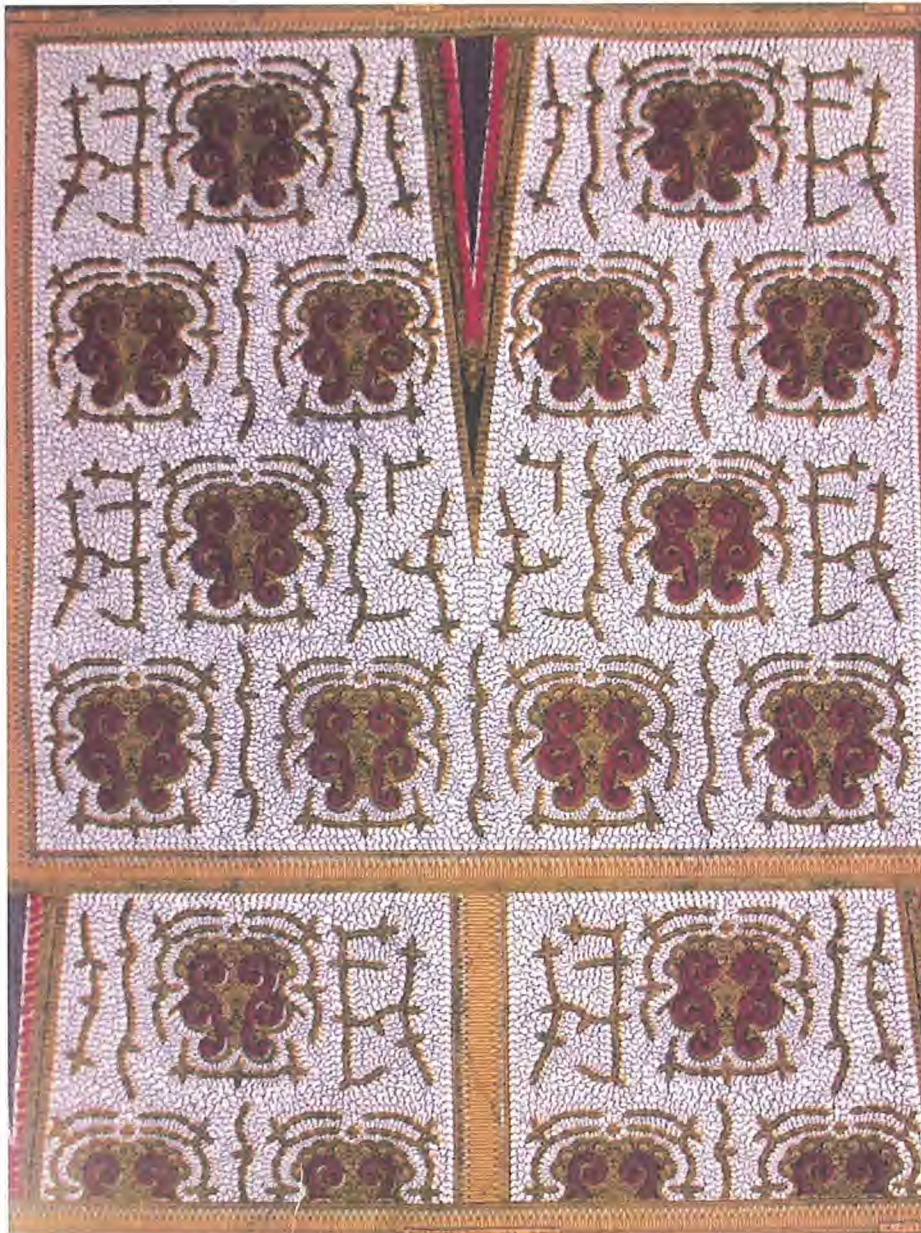
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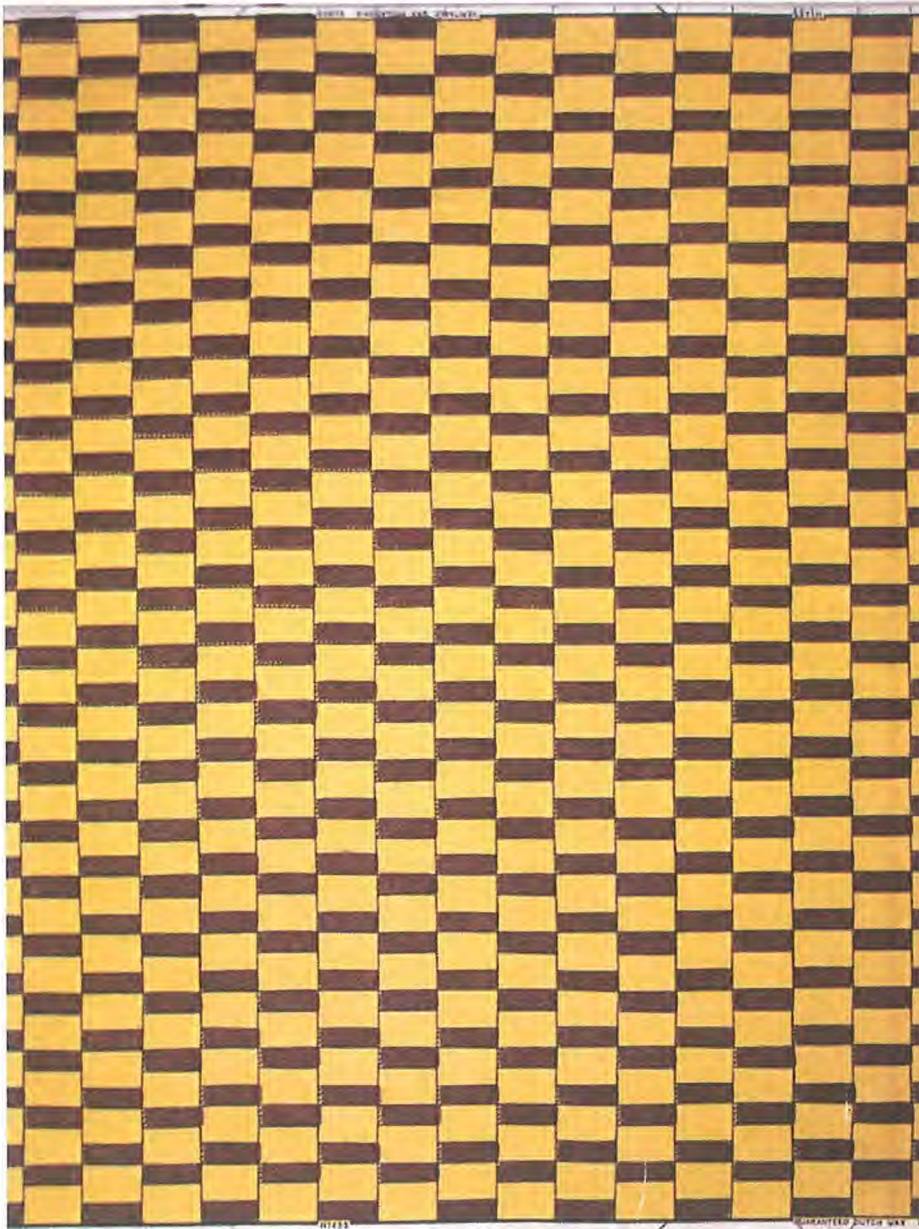
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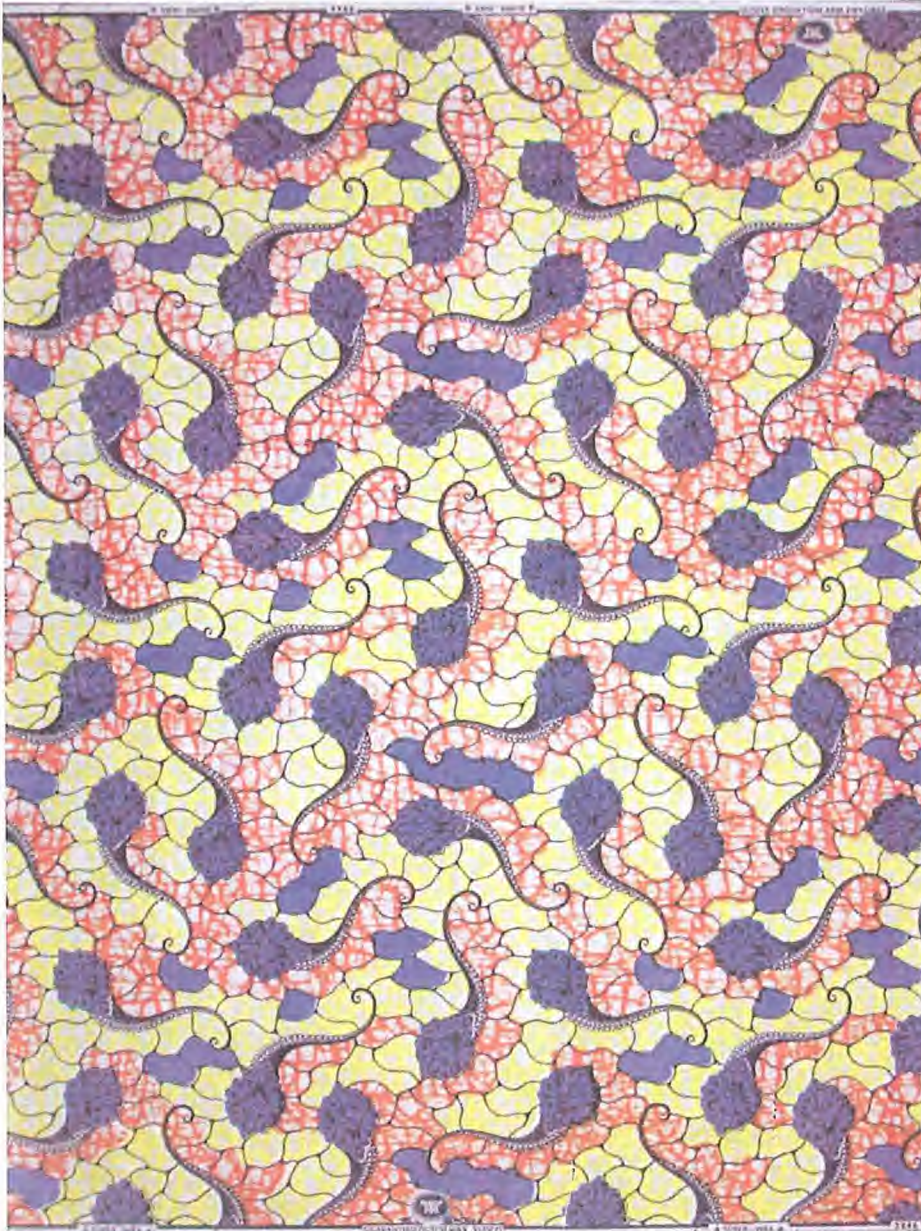


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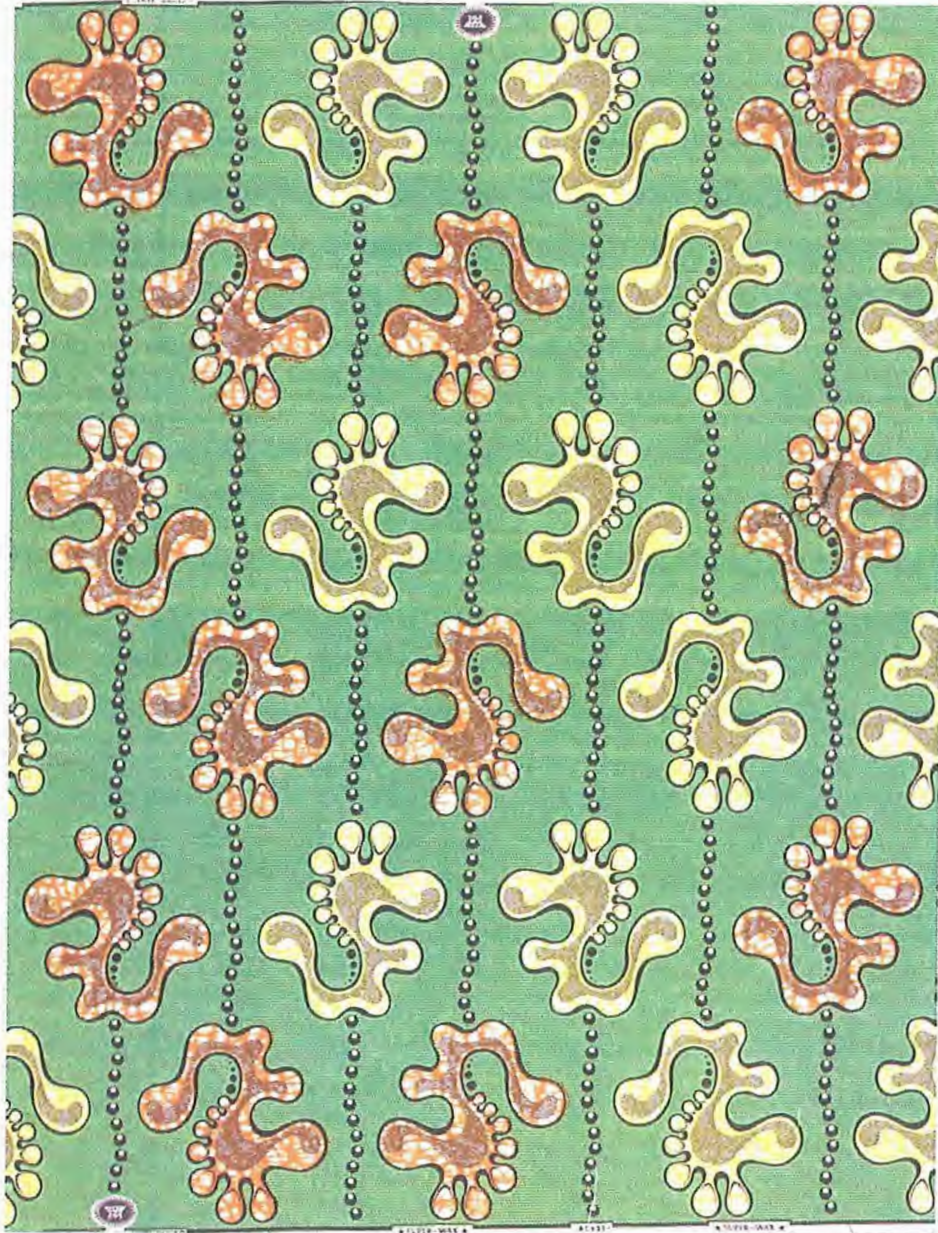
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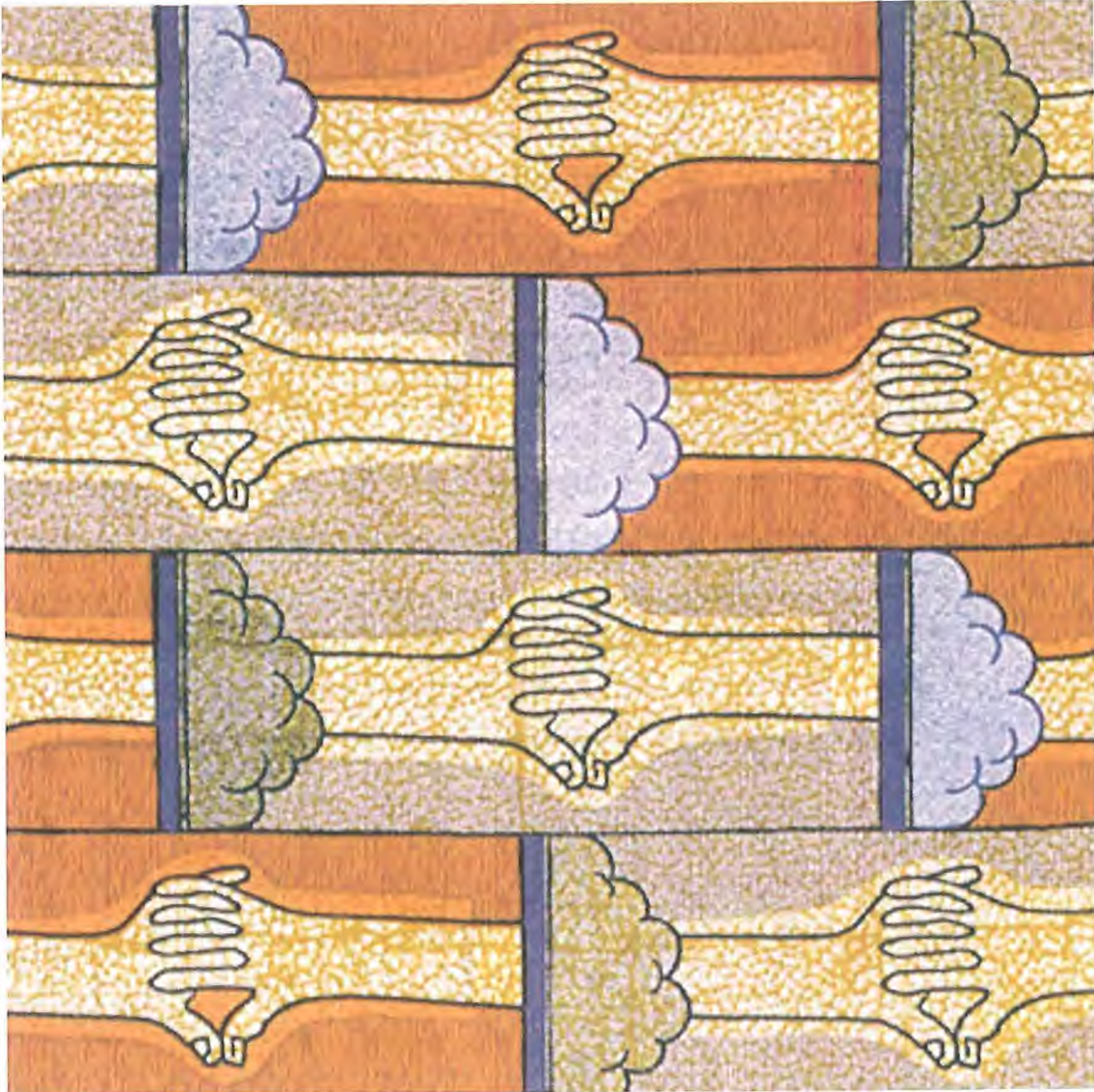
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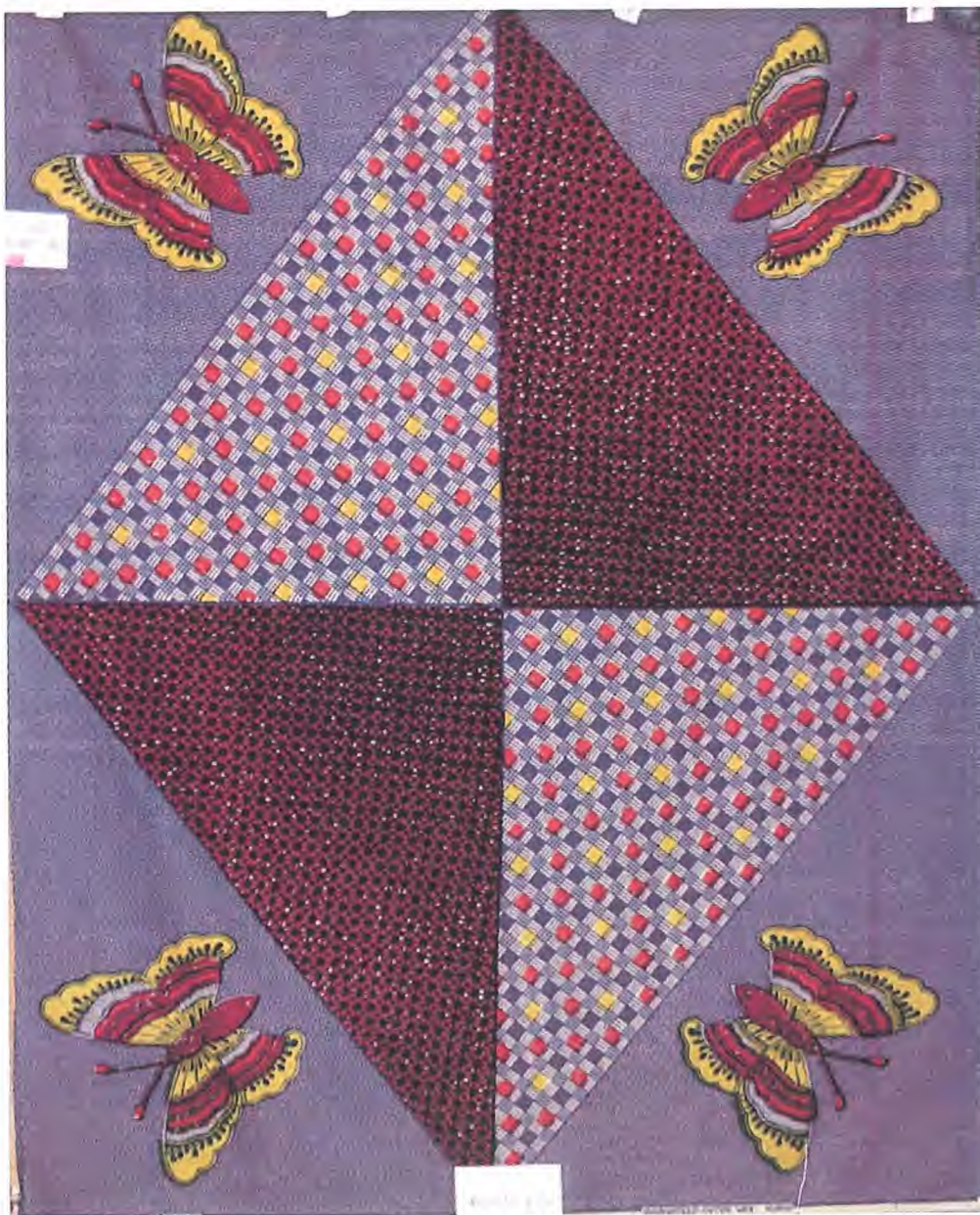
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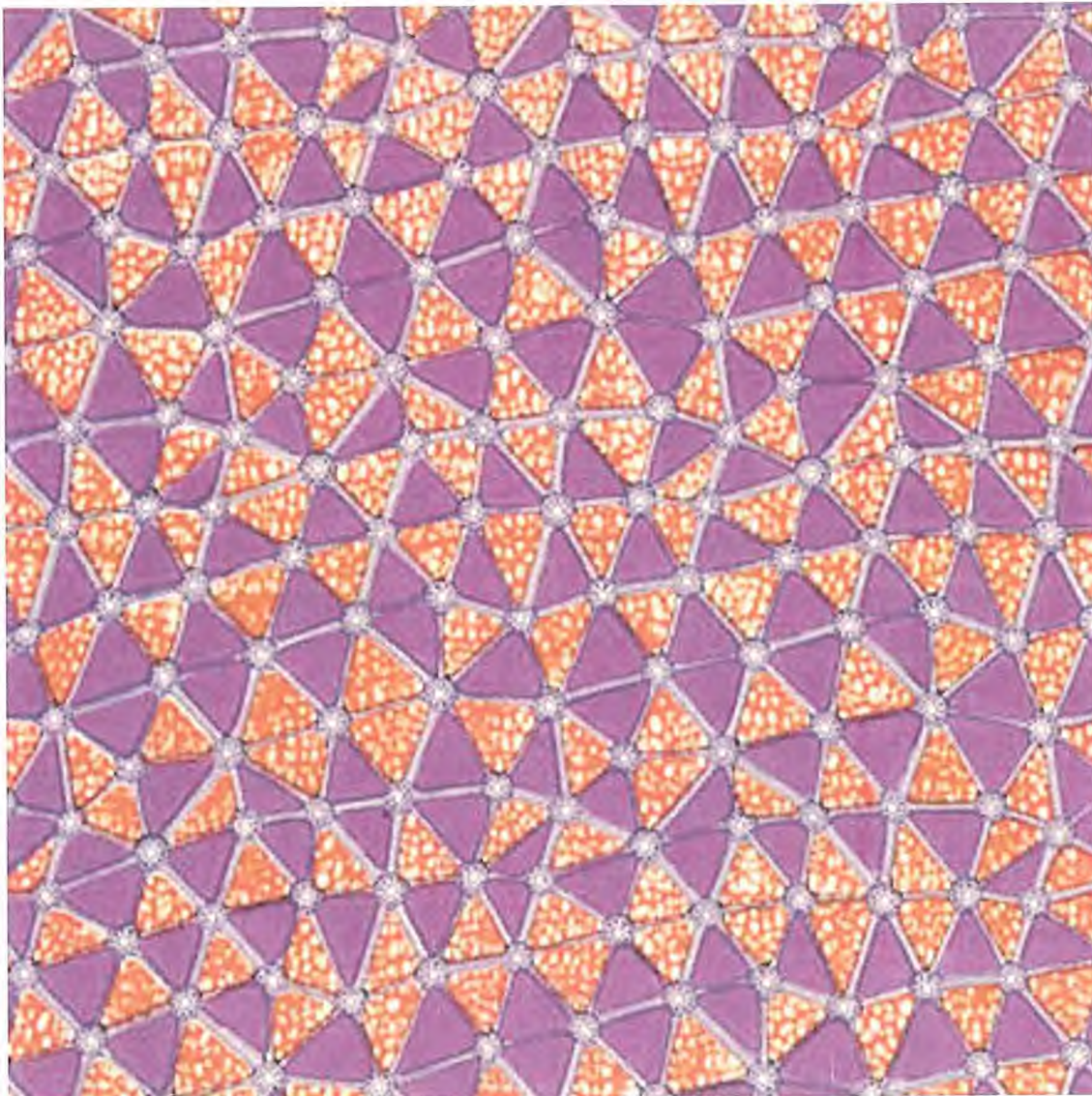
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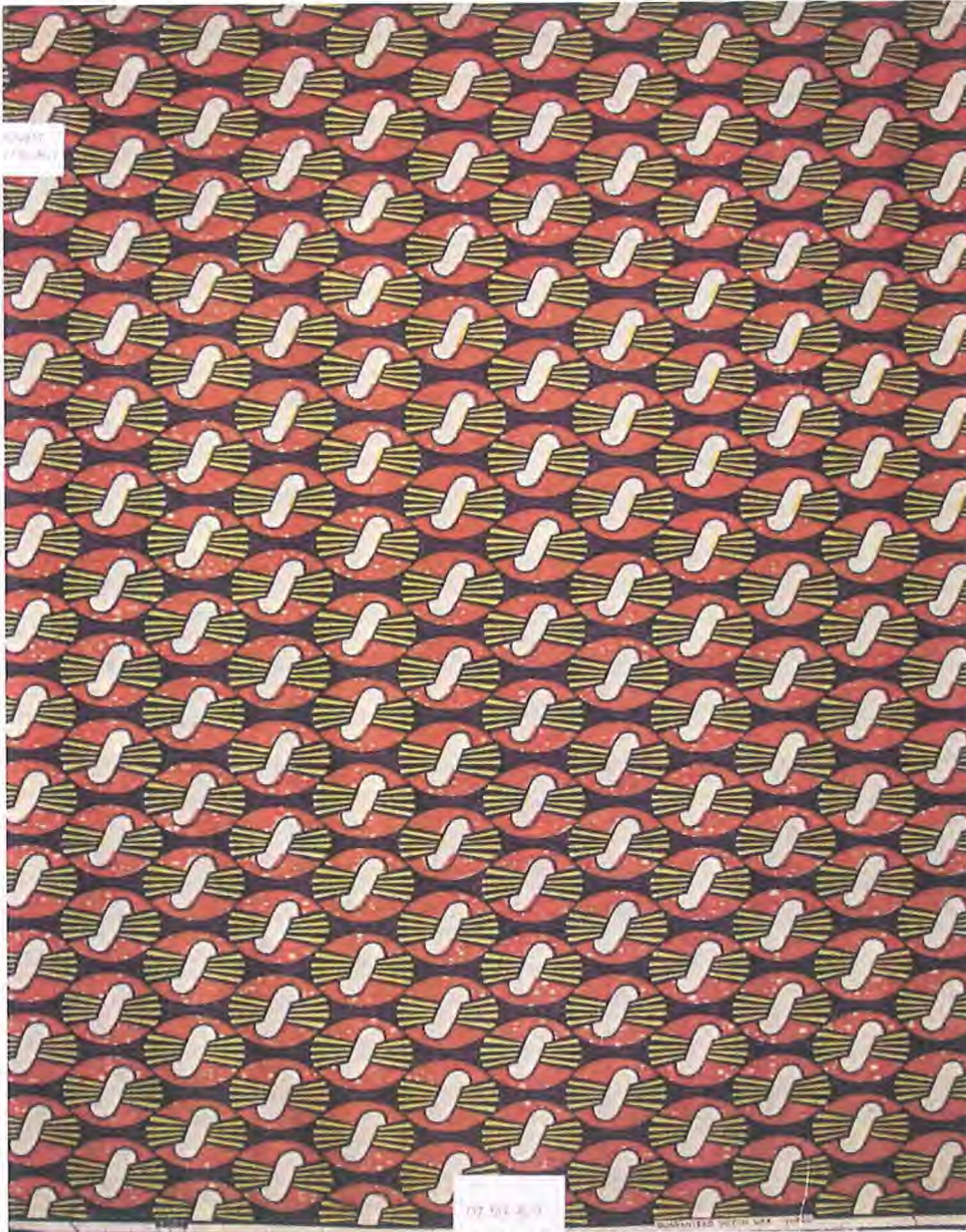
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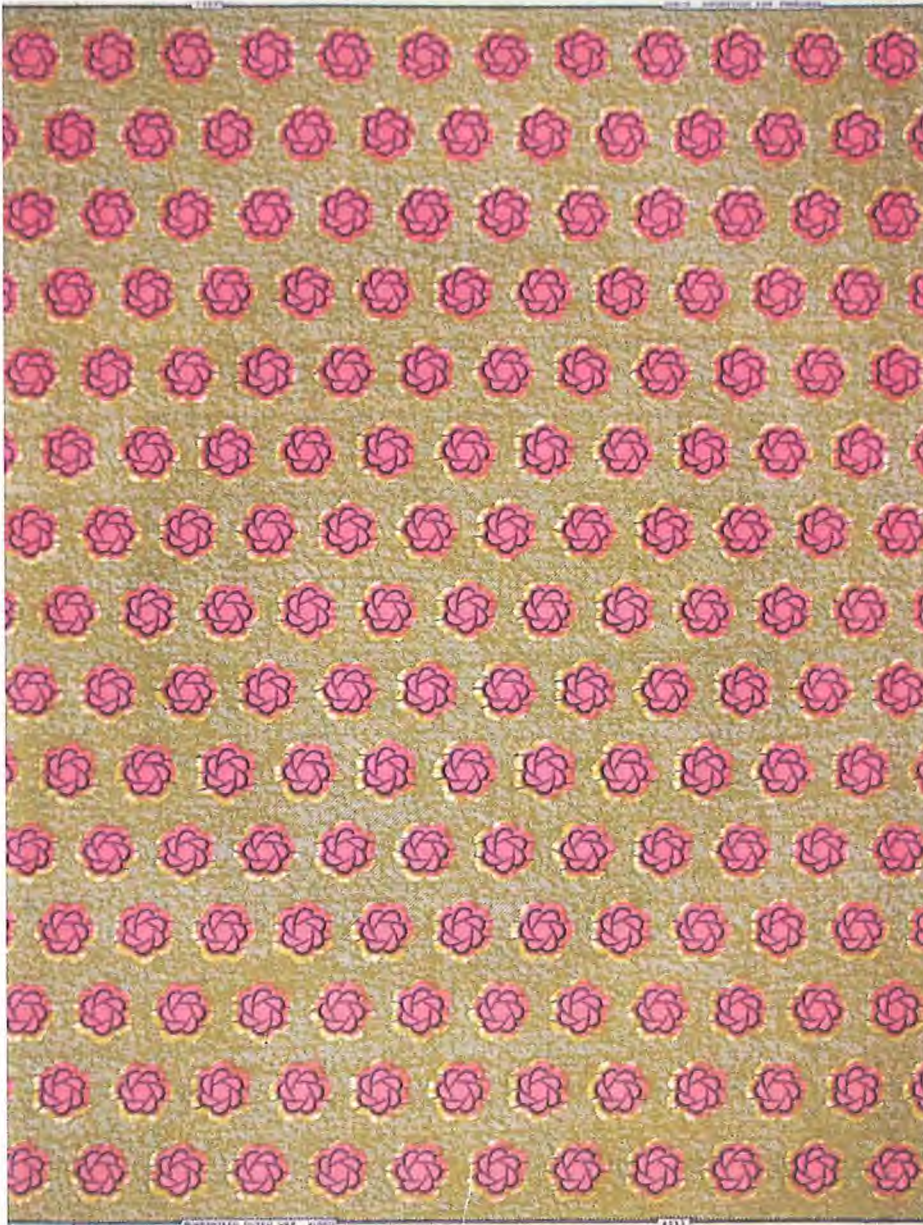
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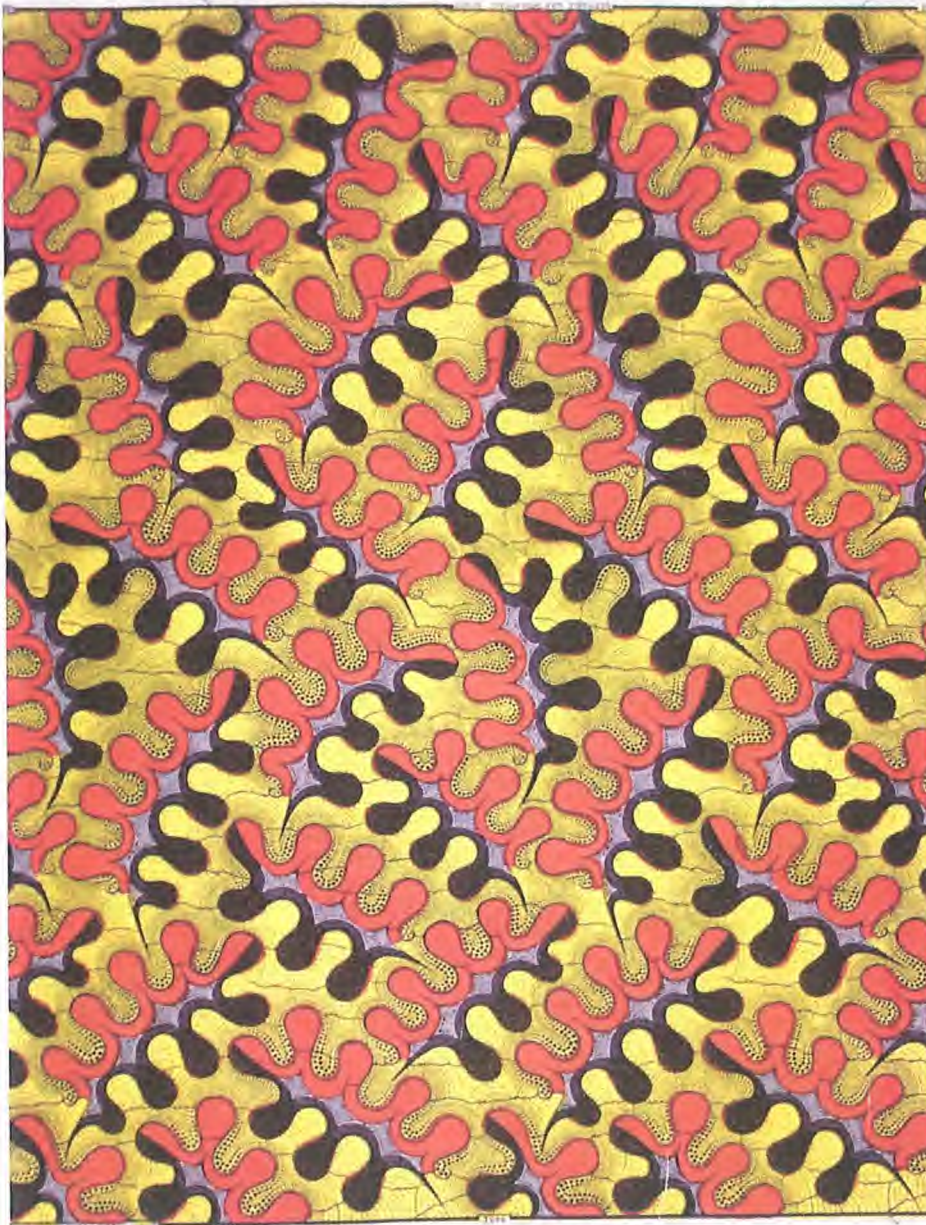
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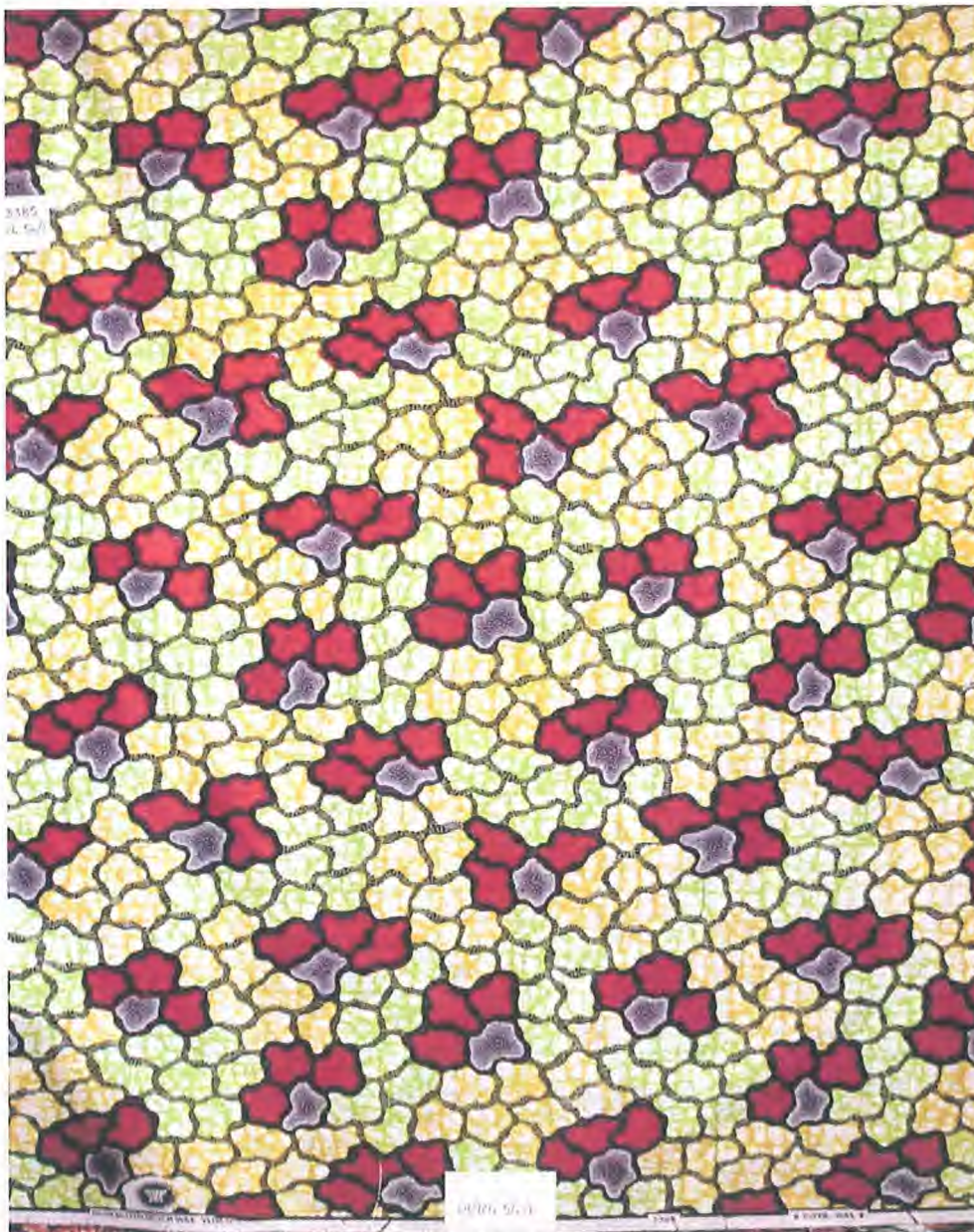
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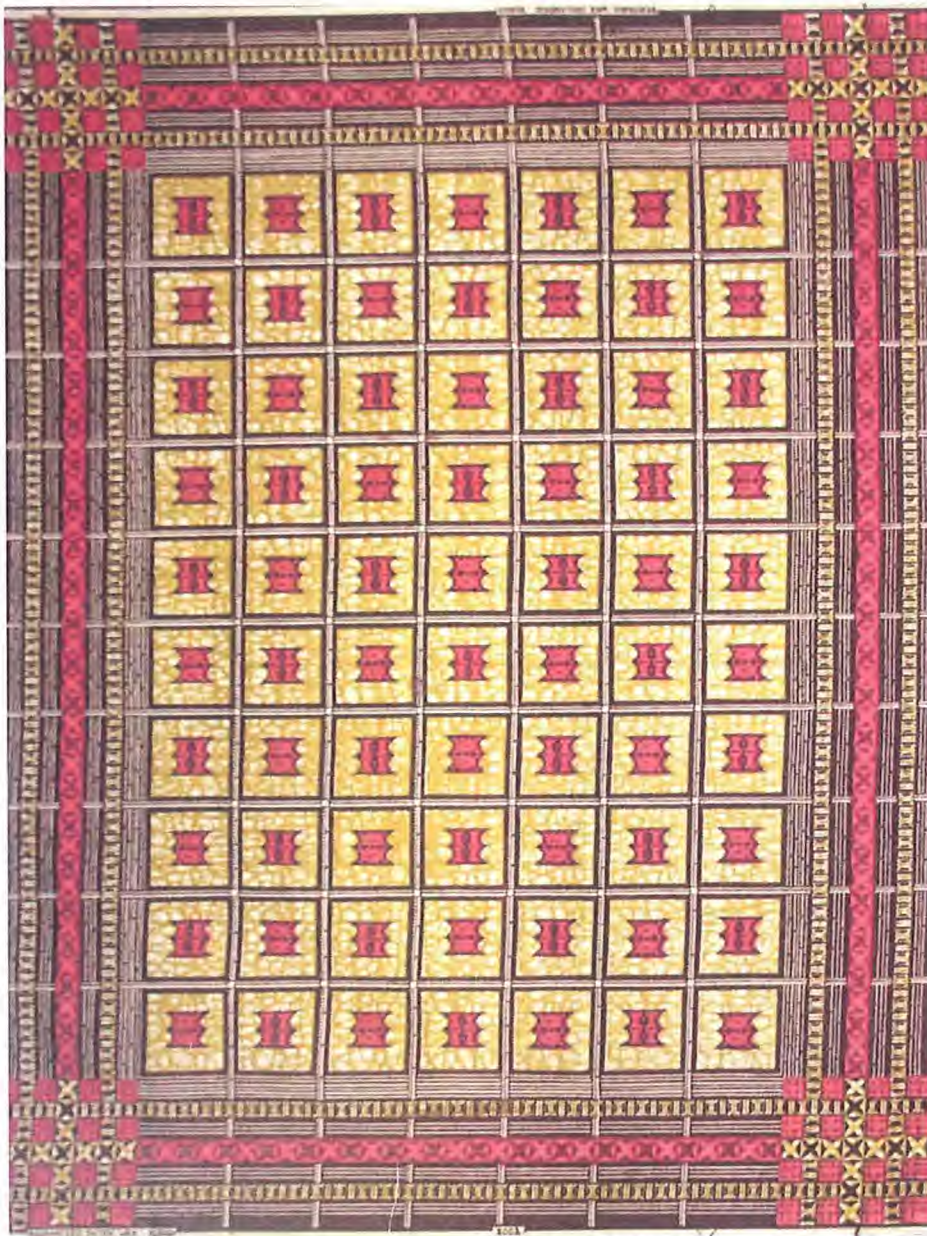
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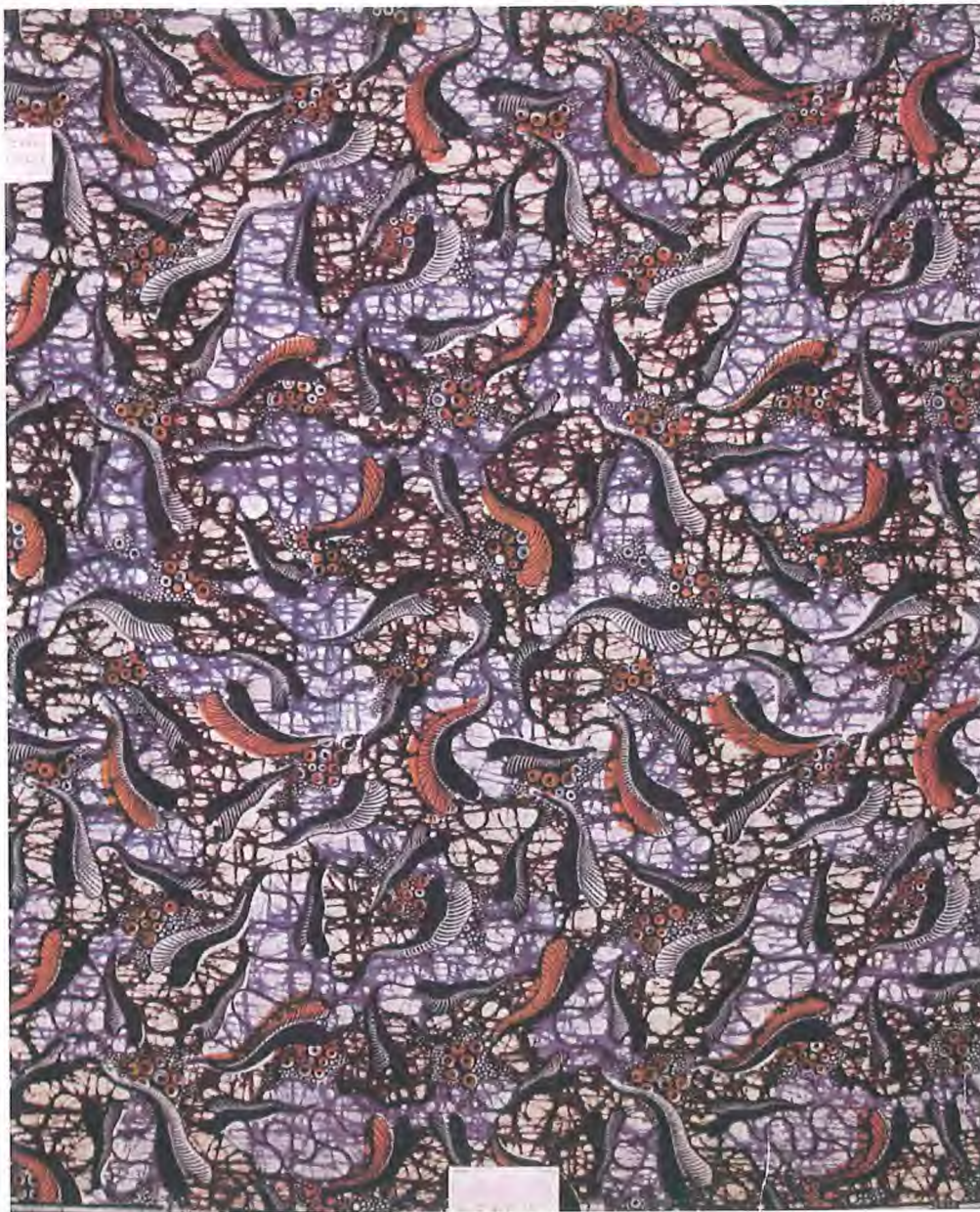
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14\_2956.jpg



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A0527.jpg



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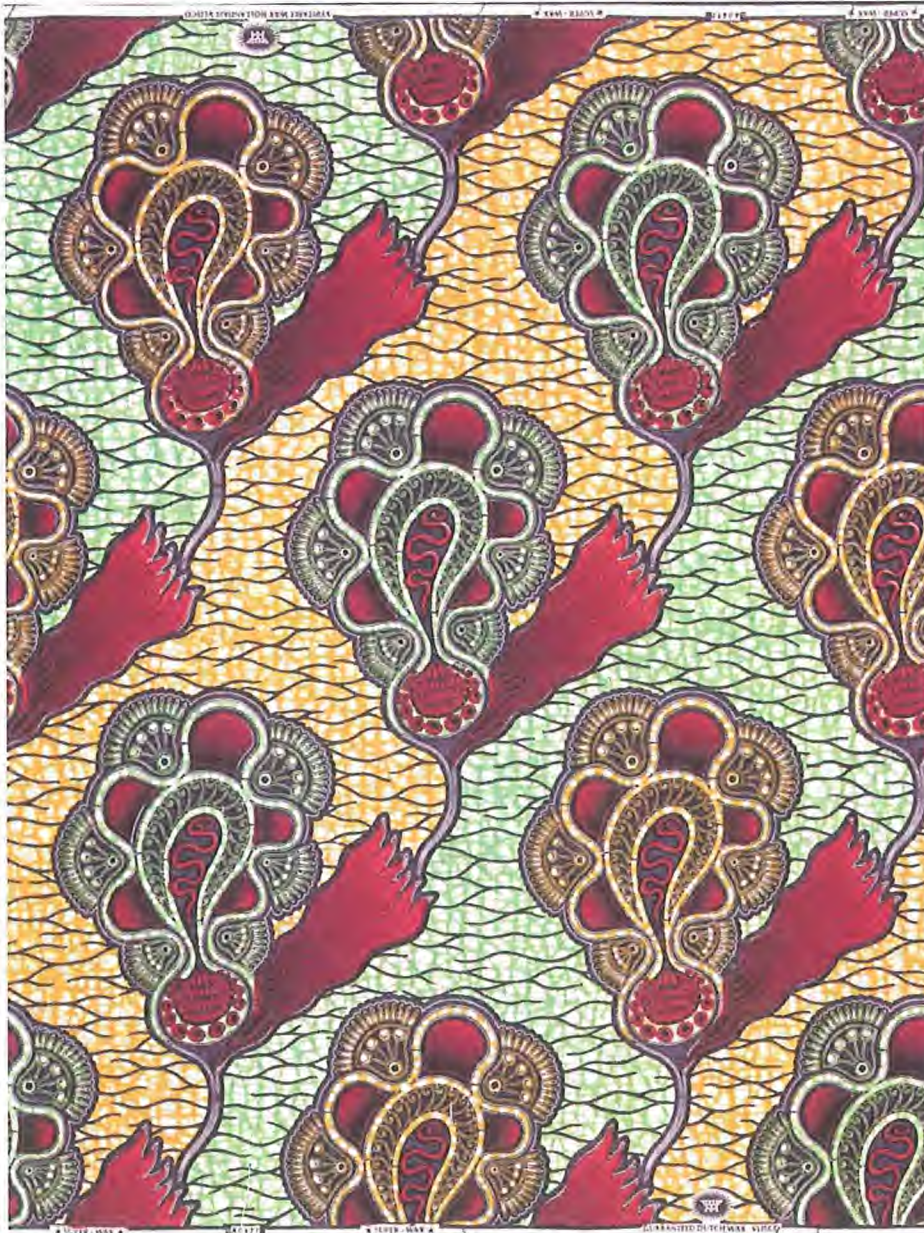
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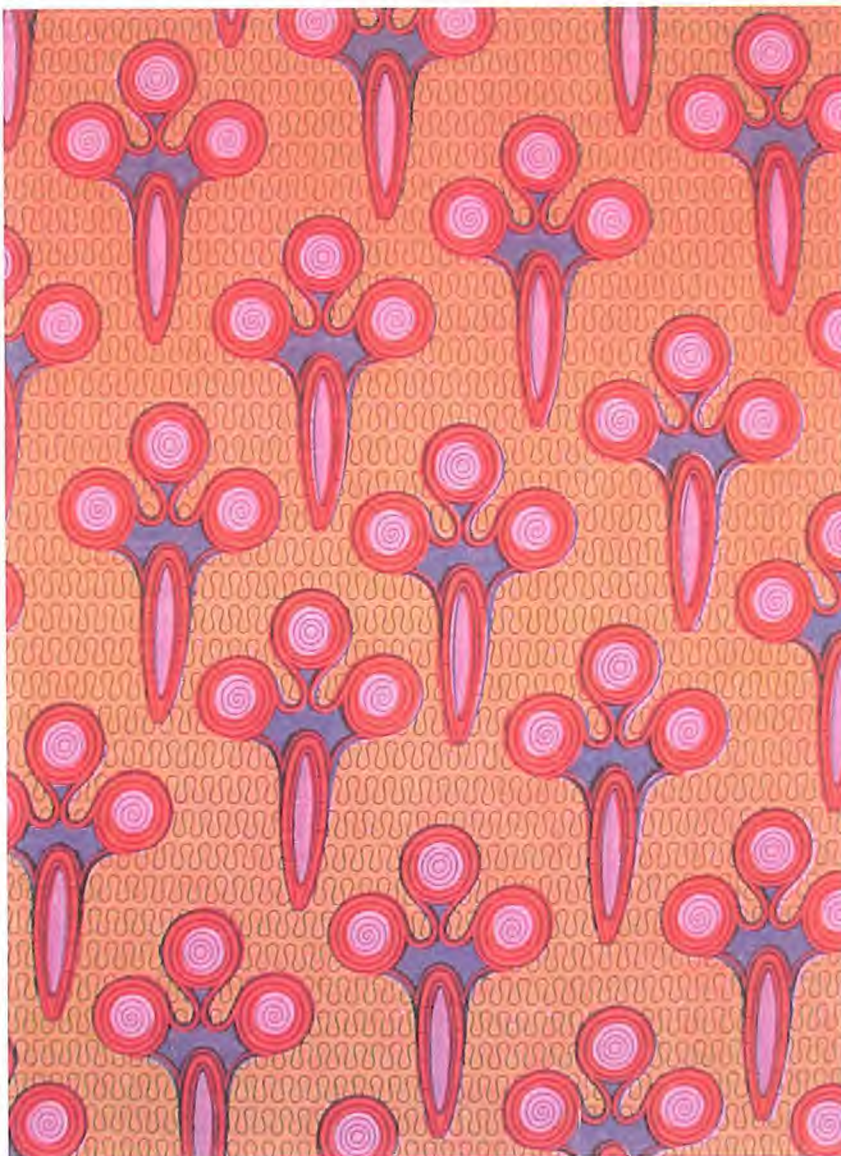
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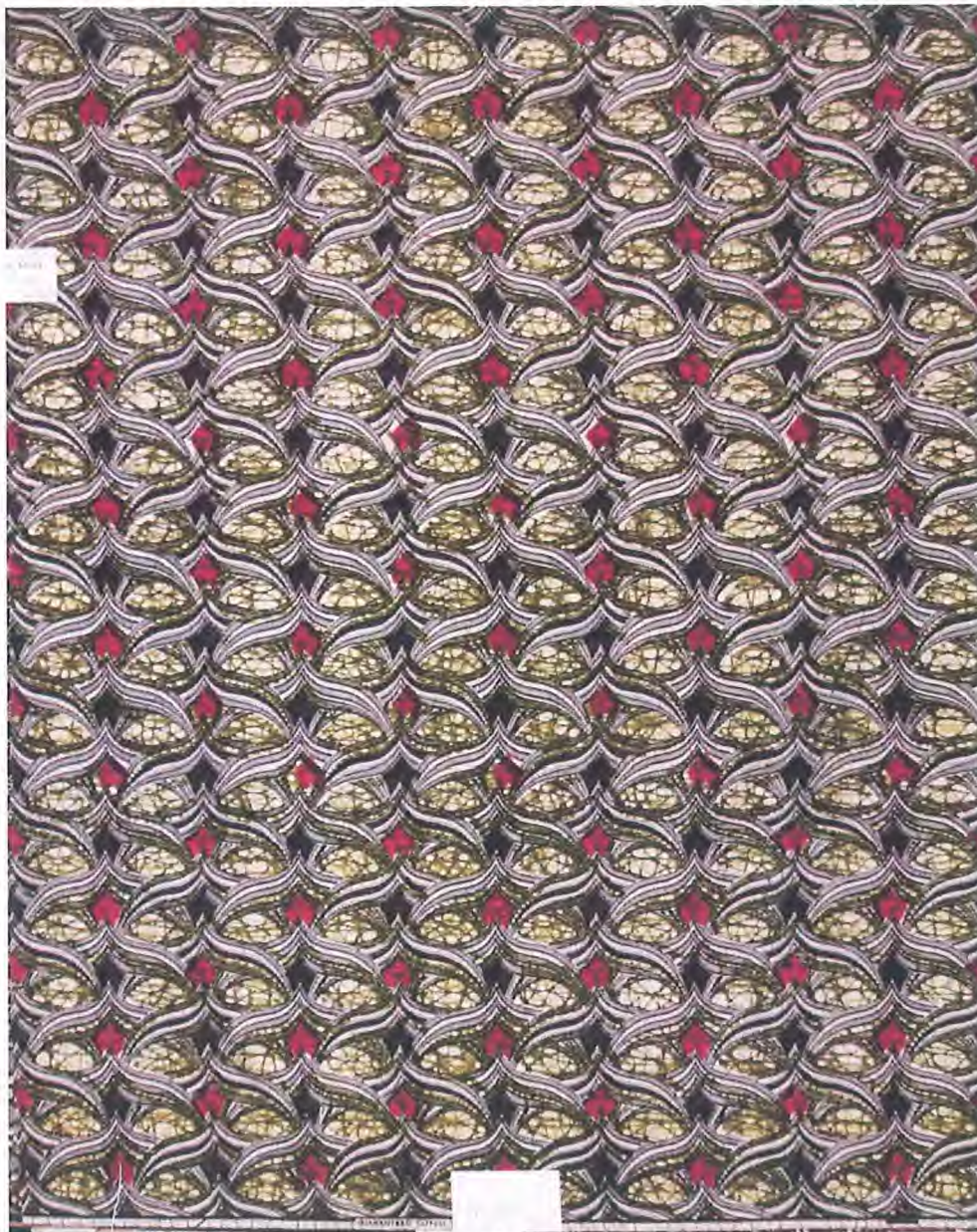


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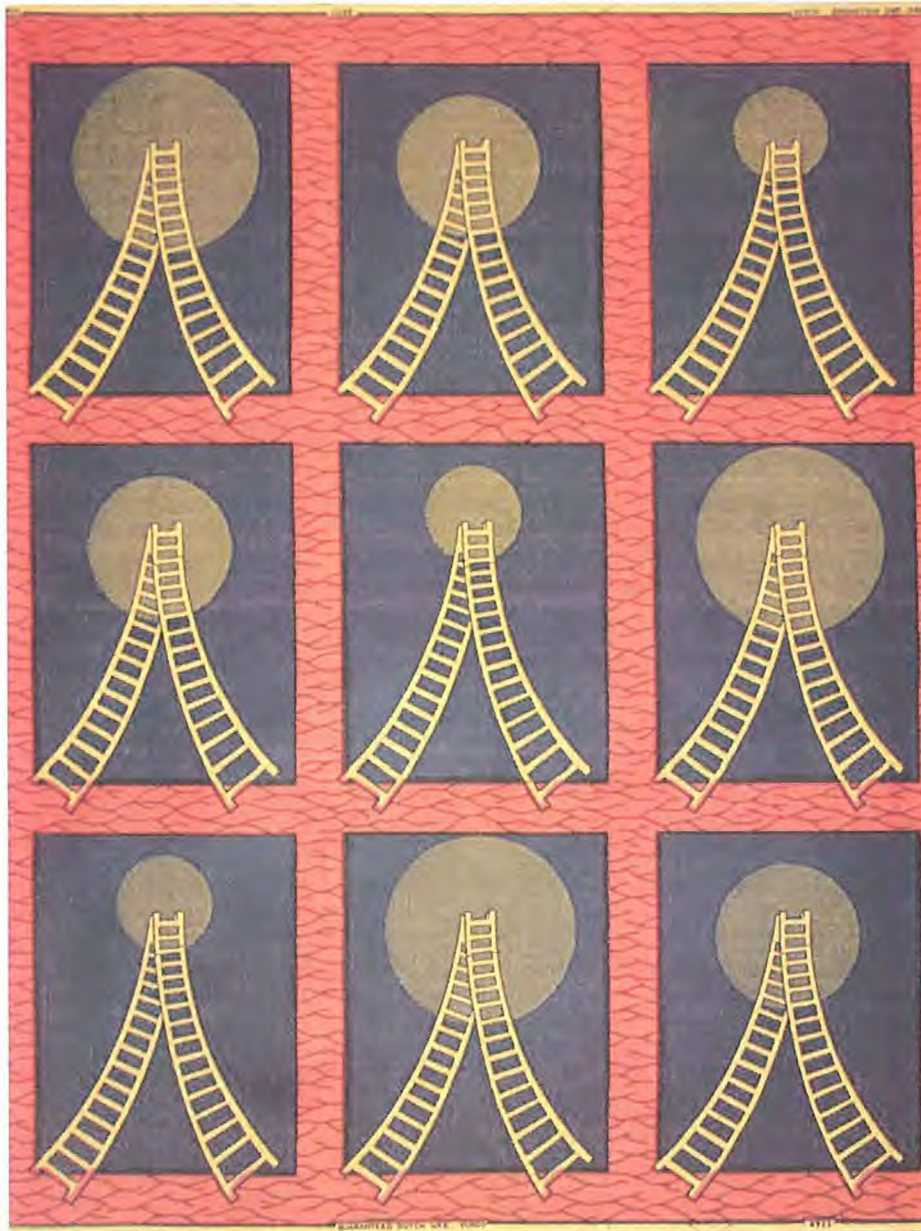
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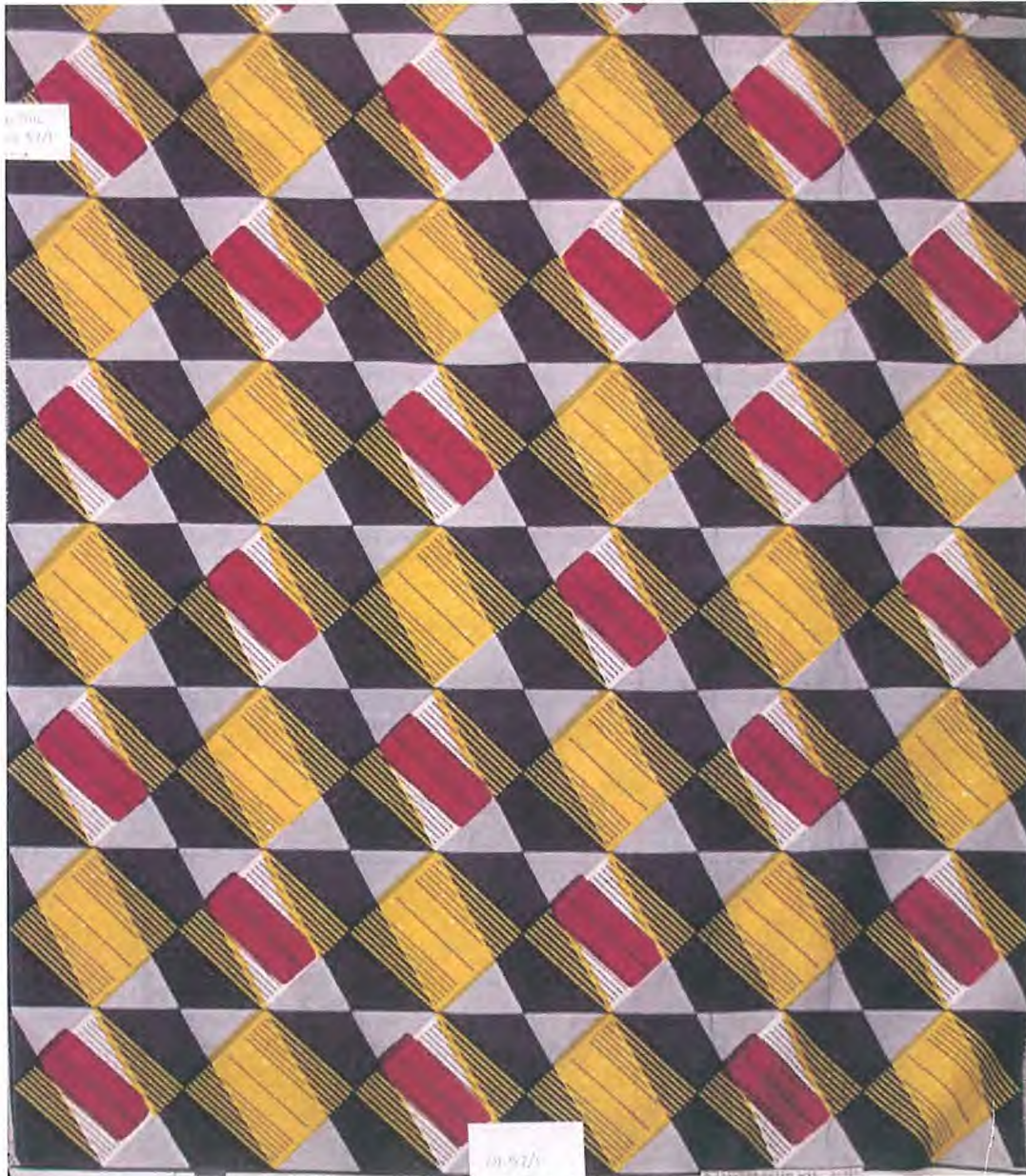
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6\_9014.jpg



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1441R.jpg



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1631R.jpg



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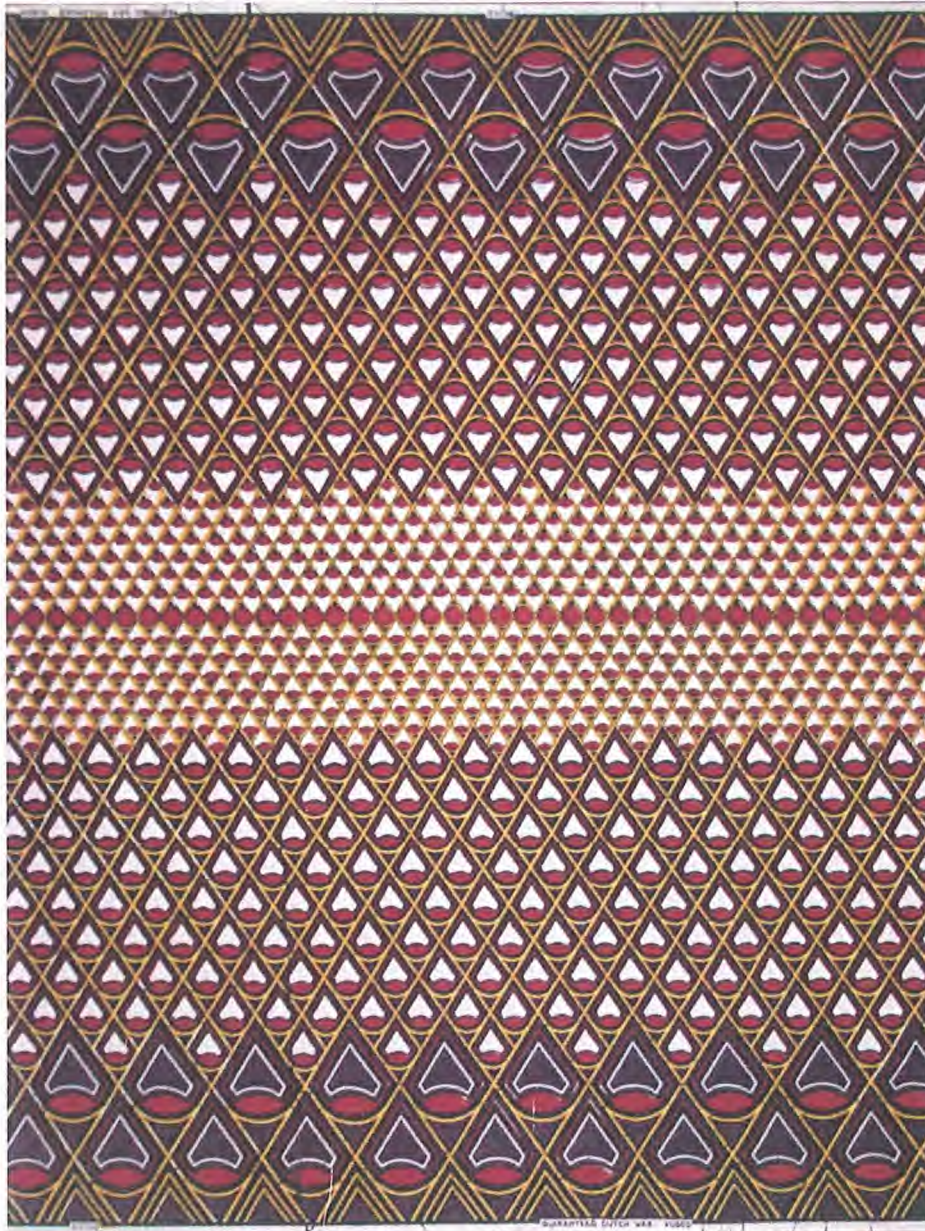
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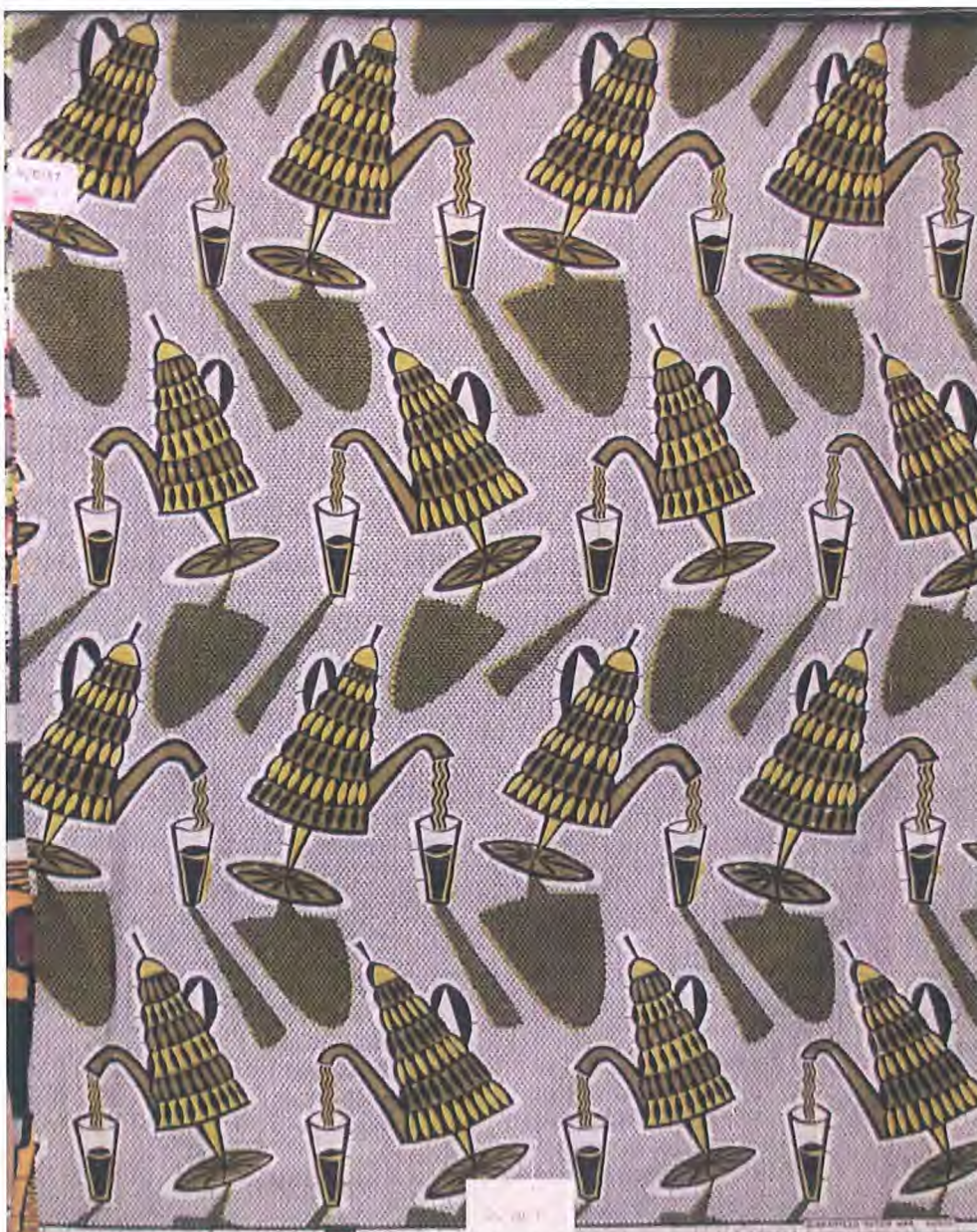
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14\_5137.jpg



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VLISCO B.V.

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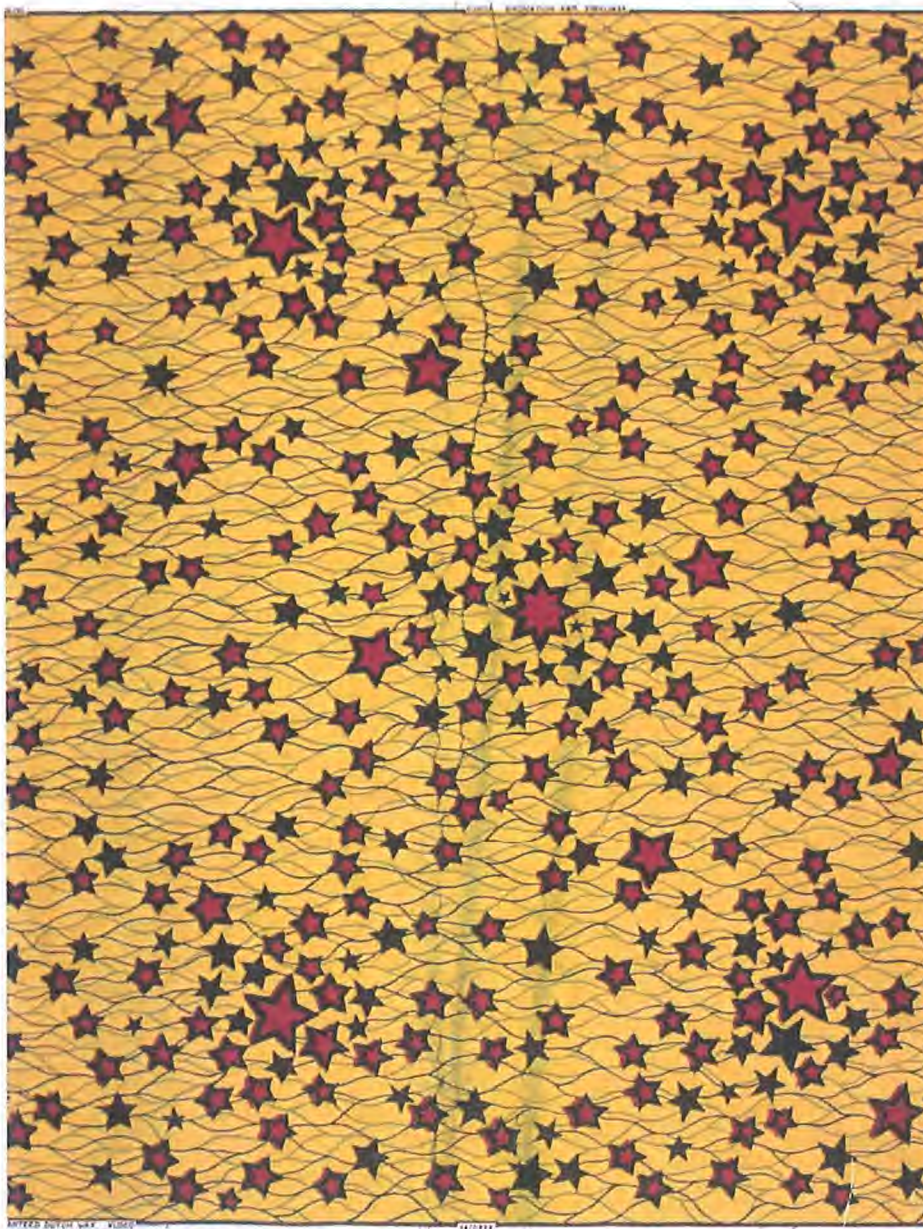
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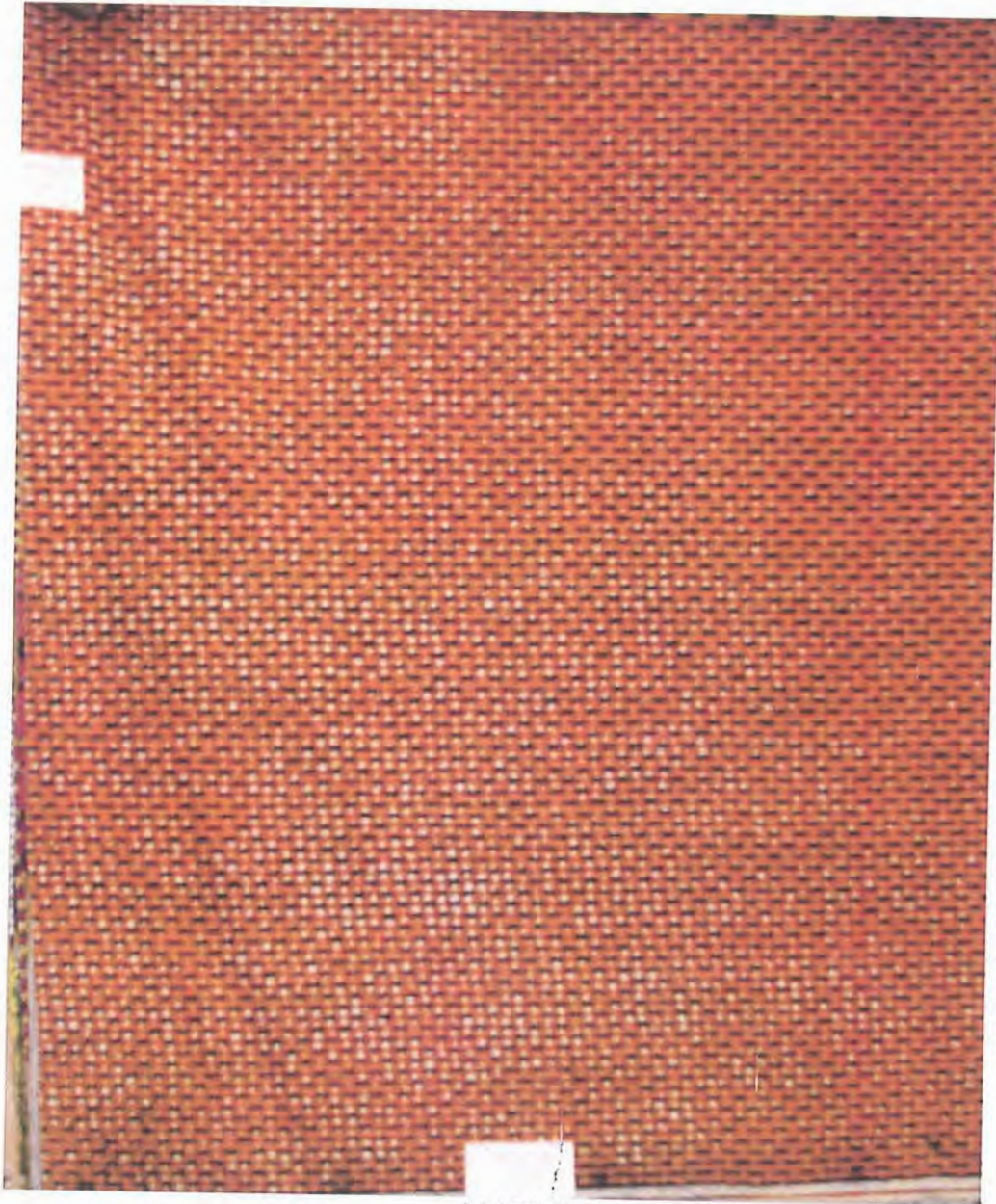
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44\_0760\_08.jpg



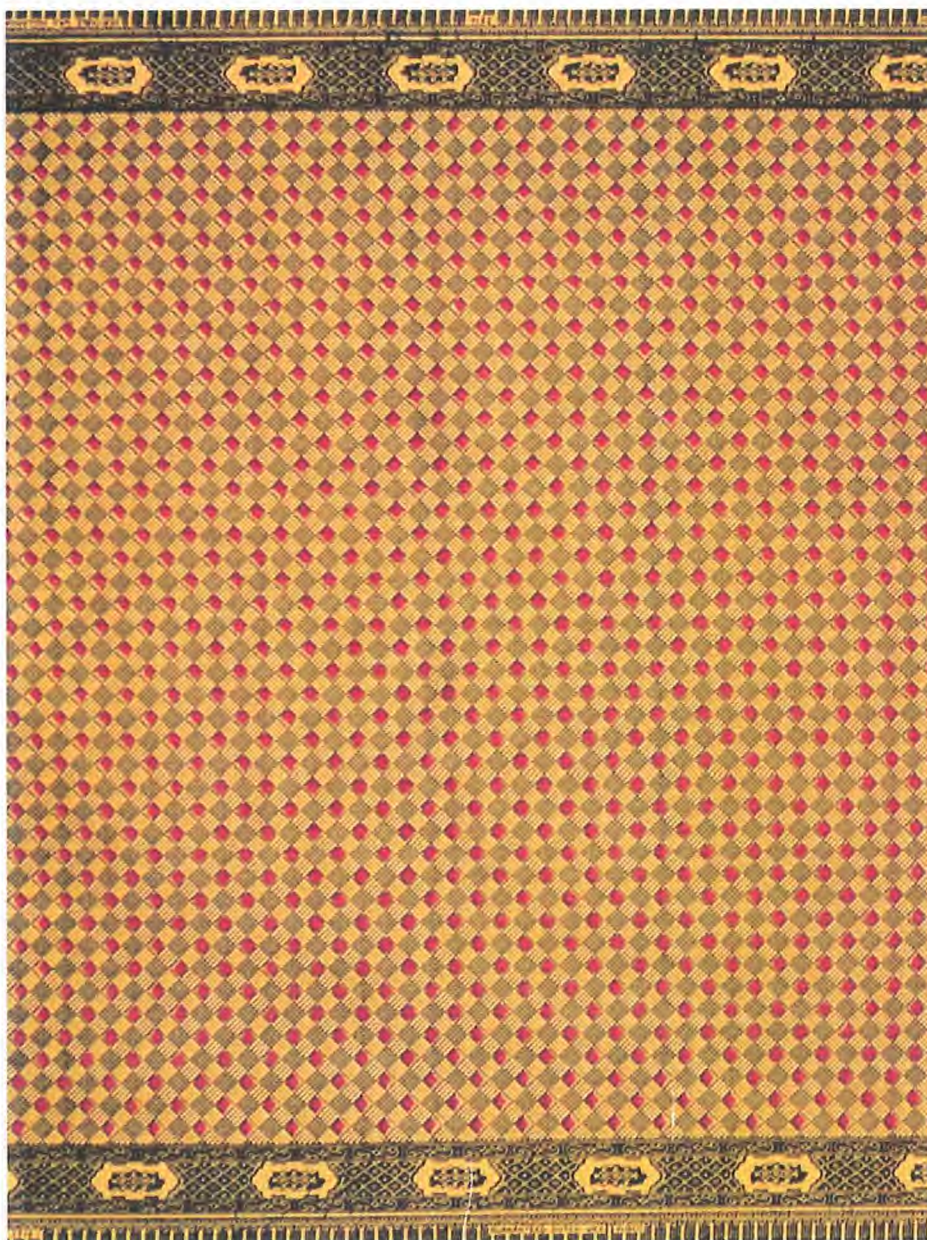
VLISCO B.V.  
ATTACHMENT NO: 66  
TITLE OF WORK: H1633



H1633.jpg



VLISCO B.V.  
ATTACHMENT NO: 67  
TITLE OF WORK: 14/2316



44\_2316\_02.jpg



VLISCO B.V.  
ATTACHMENT NO: 68  
TITLE OF WORK: 14/0758



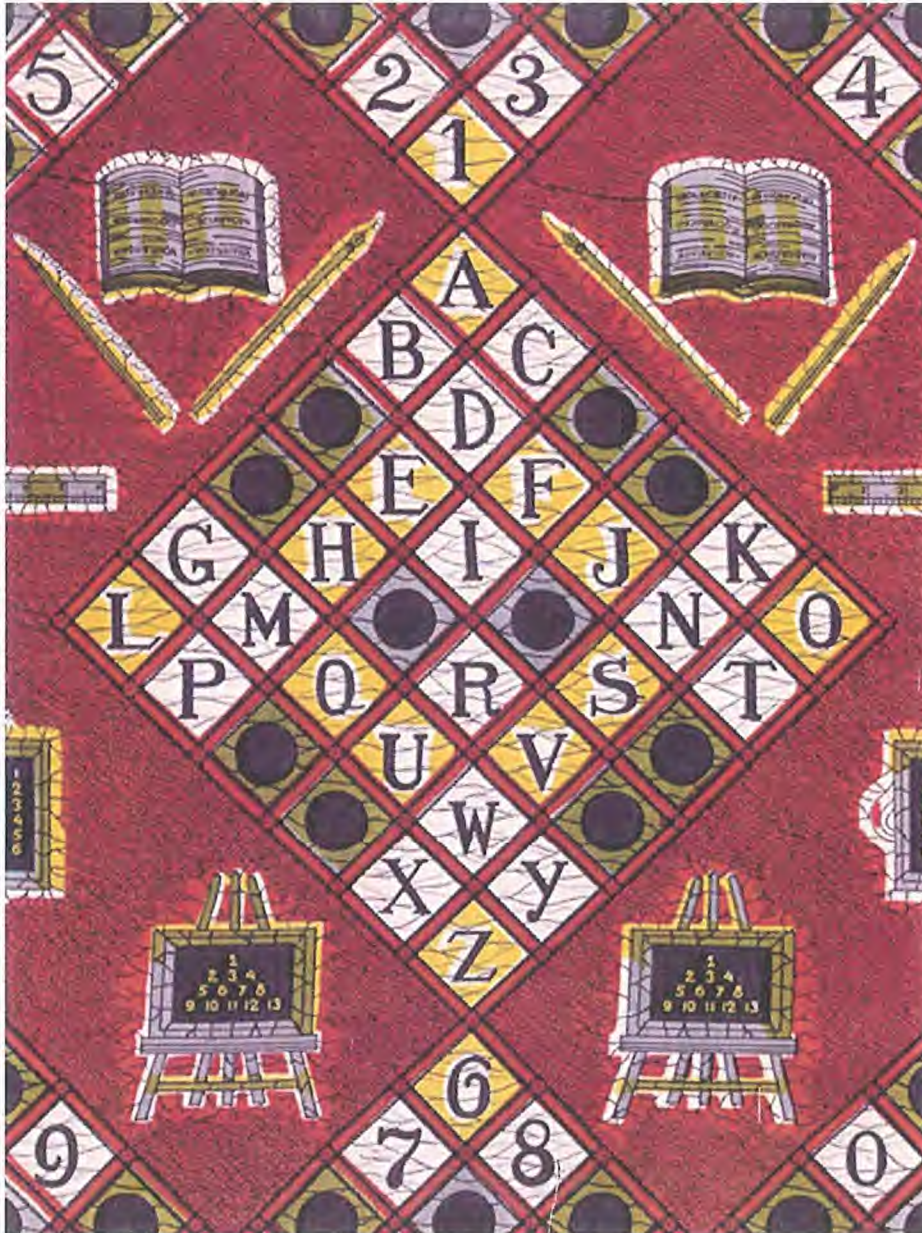
14\_0758.jpg



VLISCO B.V.

ATTACHMENT NO: 69

TITLE OF WORK: 14/0017



44\_0017\_07.jpg



VLISCO B.V.  
ATTACHMENT NO: 70  
TITLE OF WORK: H524



H524-06.jpg



VLISCO B.V.  
ATTACHMENT NO: 71  
TITLE OF WORK: 14/3393



14\_3393.jpg



VLISCO B.V.  
ATTACHMENT NO: 72  
TITLE OF WORK: 3353R



44\_3353\_rw\_61.jpg



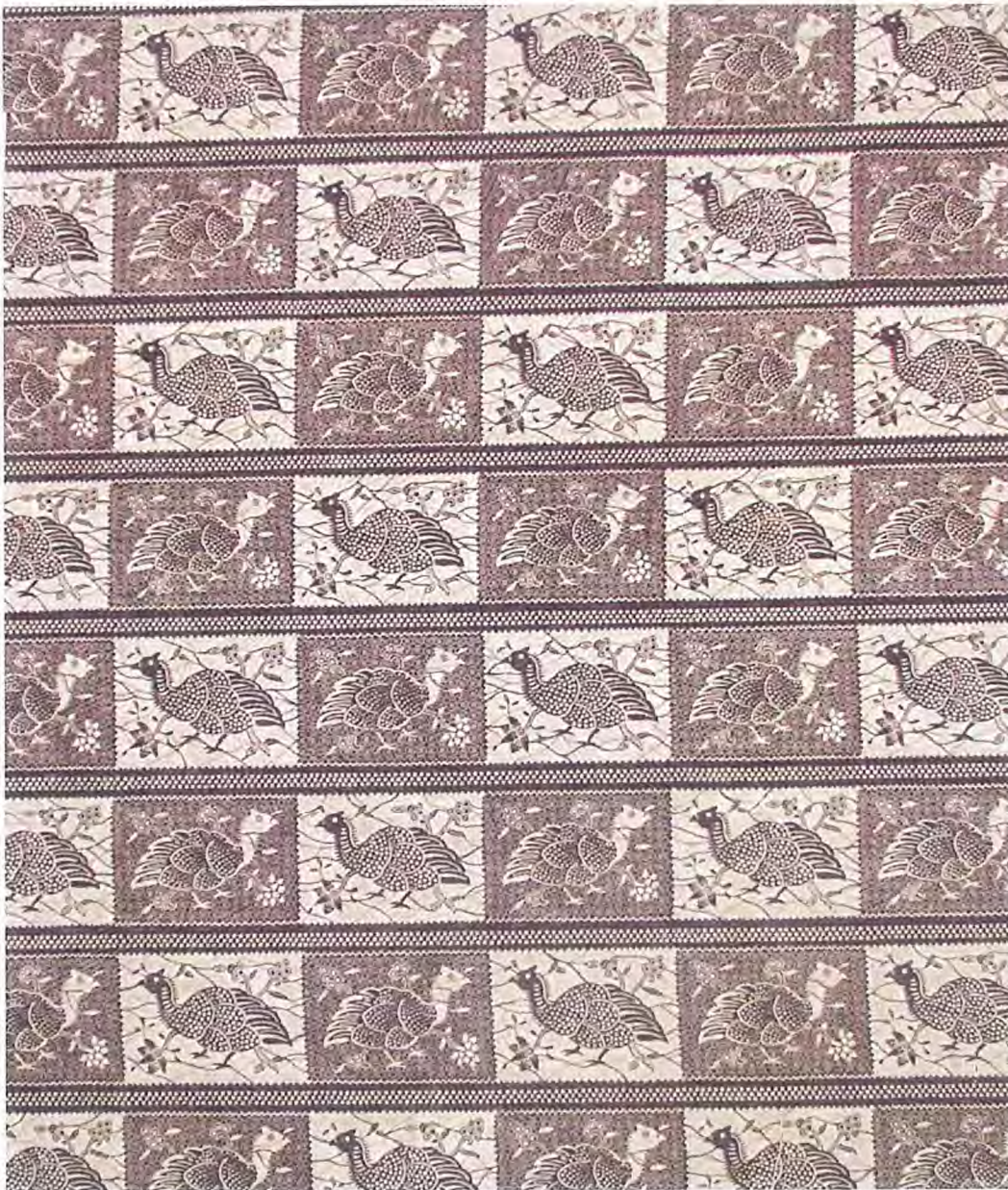
VLISCO B.V.  
ATTACHMENT NO: 73  
TITLE OF WORK: H949



H949.jpg



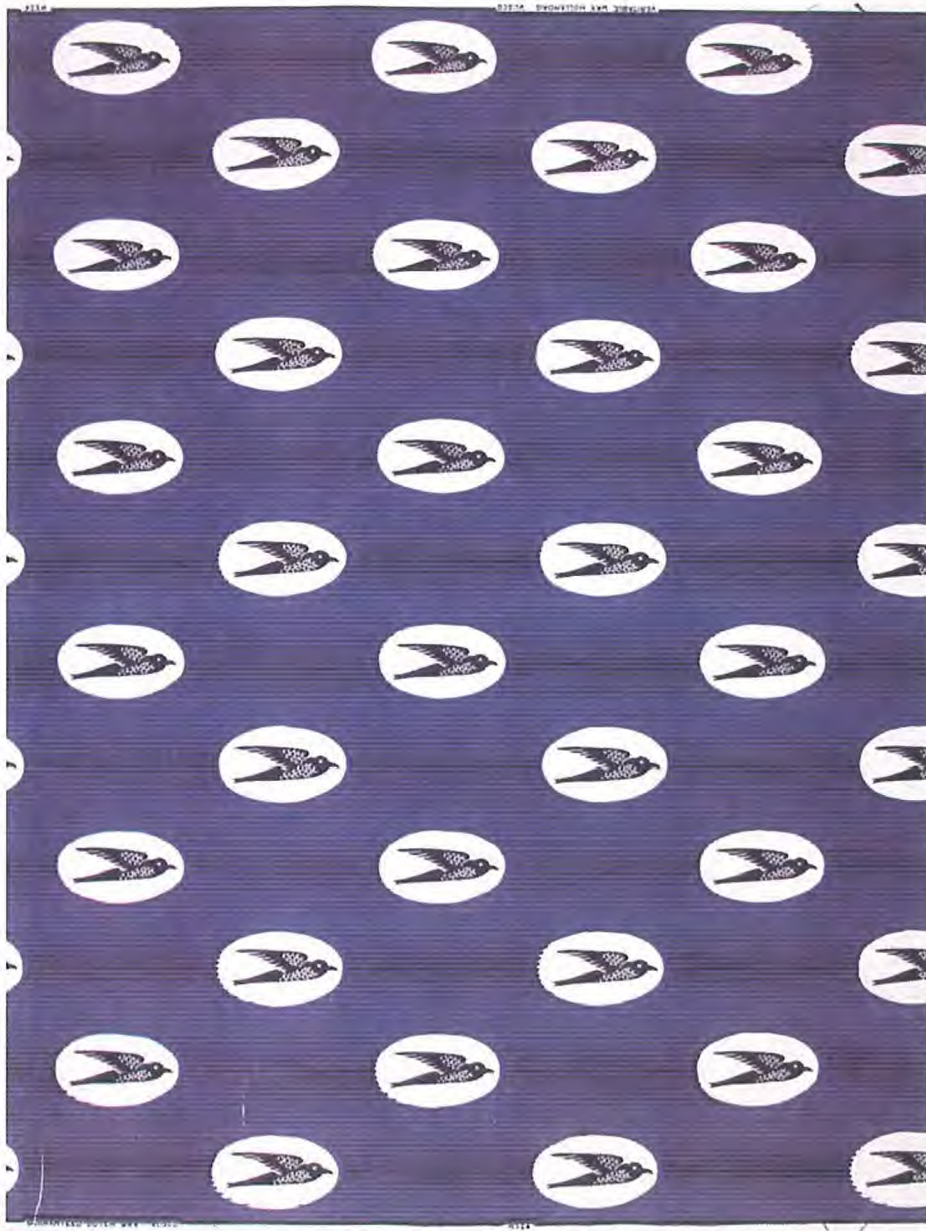
VLISCO B.V.  
ATTACHMENT NO: 74  
TITLE OF WORK: 14/0625



0625.jpg



VLISCO B.V.  
ATTACHMENT NO: 75  
TITLE OF WORK: H524



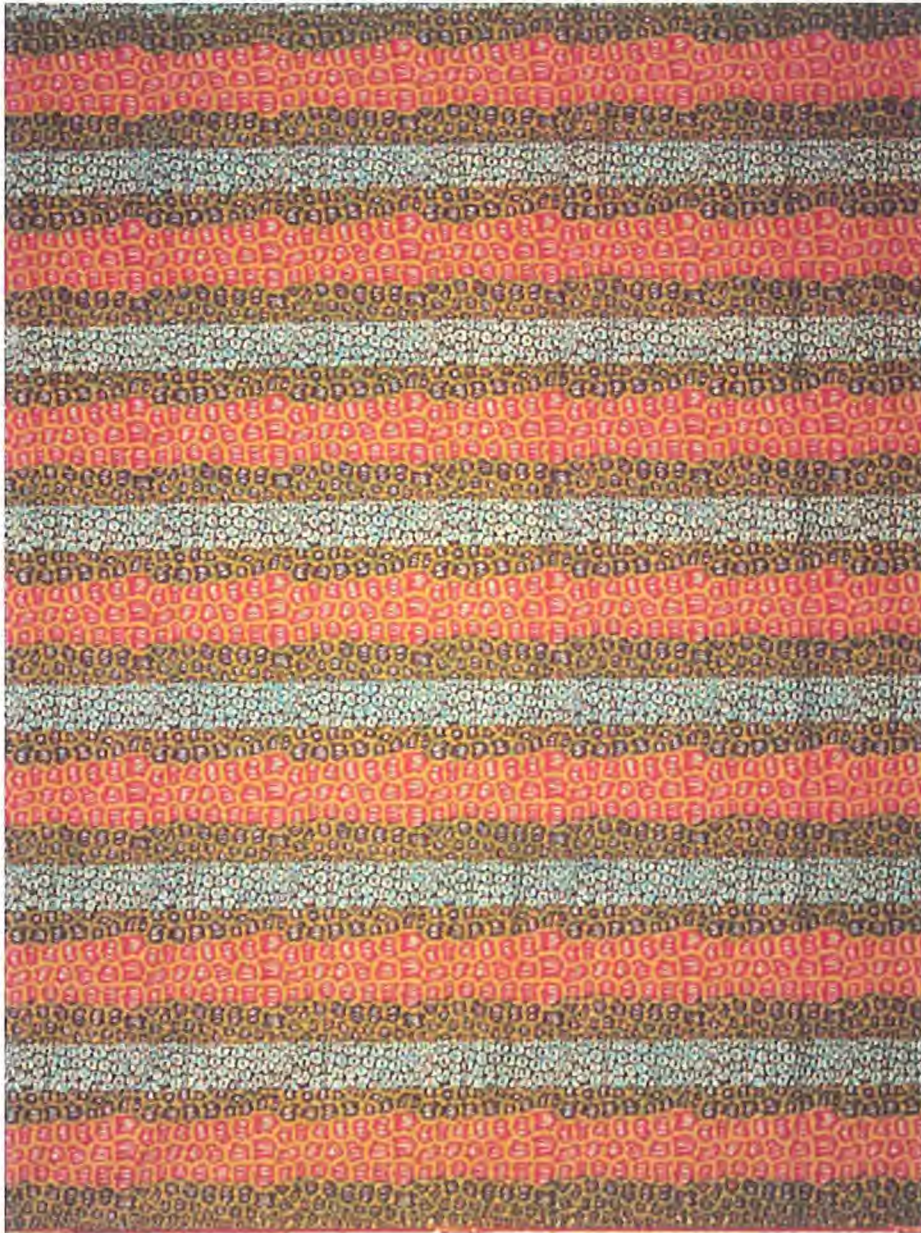
H524-06.jpg



VLISCO B.V.

ATTACHMENT NO: 76

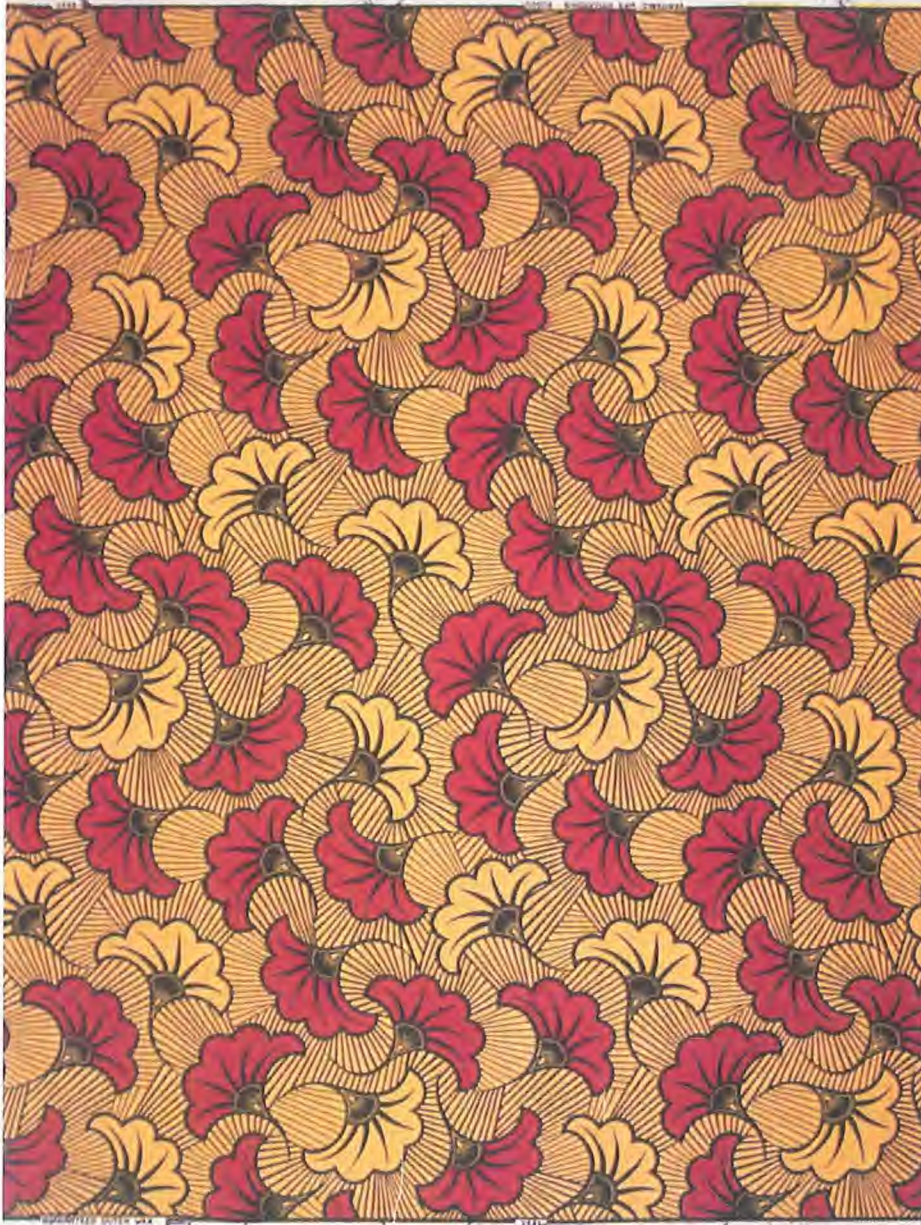
TITLE OF WORK: 14/0001



44\_0001\_07.jpg



VLISCO B.V.  
ATTACHMENT NO: 77  
TITLE OF WORK: 14/3541



44\_3541\_02.jpg



# **EXHIBIT 2**



**Vlisco Design**

**Vlisco Design No. A0201; Waxblock; 2001**





**Visco Design**

**Visco Design No. A2257; Super-Wax; 2016**





**Visco Design**

**Visco Design No. A2301; Waxblock; 2017**





**Vlisco Design**

**Vlisco Design No. A2324; Waxblock; 2017**





Visco Design

Visco Design No. 14-5124; 1997





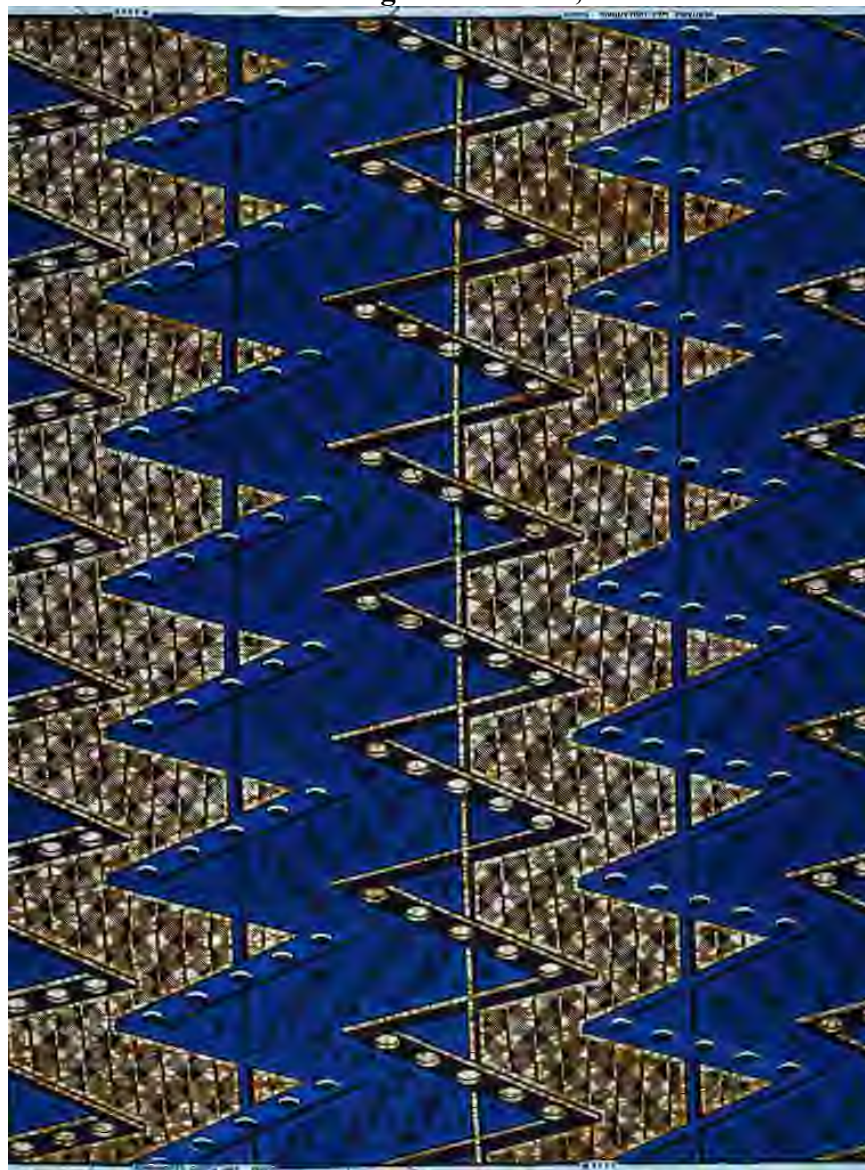
**Visco Design**  
**Visco Design No. S0847; 2018**





**Visco Design**

**Visco Design No. W4565; 2018**





Visco Design

Visco Design No. S1124; 2018

